

*Village of Wellington*

# **REGULAR MEETING OF THE WELLINGTON VILLAGE COUNCIL**

**Darell Bowen, Mayor  
Dr. Carmine A. Priore, Vice Mayor  
Lizbeth Benacquisto, Councilwoman  
Matt Willhite, Councilman  
Howard K. Coates, Jr., Councilman**

**Wellington Community Center  
12165 West Forest Hill Boulevard  
Wellington, Florida**

**TUESDAY, SEPTEMBER 15, 2009  
7:00 PM  
AGENDA**

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. INVOCATION**  
Rev. Rainer Richter, St. Peter's United Methodist Church
- 4. APPROVAL OF AGENDA**
- 5. PRESENTATIONS AND PROCLAMATIONS**
  - A. PROCLAMATION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON,  
FLORIDA PROCLAIMING SEPTEMBER 21, 2009 AS UNITED NATIONS  
INTERNATIONAL DAY OF PEACE**

Village Council approval proclaiming September 21, 2009 as United Nations International Day of Peace in the Village of Wellington.

Representatives from the Wellington Rotary Club will be present to accept the Proclamation.

**B. PROCLAMATION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA PROCLAIMING THE VILLAGE OF WELLINGTON A ROTARY PEACE COMMUNITY**

Village Council approval proclaiming the Village of Wellington as a Rotary Peace Community.

Representatives from the Wellington Rotary Club will be present to accept the Proclamation.

**C. A PROCLAMATION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA RECOGNIZING VICE MAYOR DR. CARMINE A. PRIORE FOR HIS SERVICE AS PRESIDENT OF THE FLORIDA LEAGUE OF CITIES, AUGUST, 2008 THROUGH AUGUST, 2009.**

To recognize Vice Mayor Dr. Carmine A. Priore for his service as President of the Florida League of Cities.

**6. CONSENT AGENDA**

**A. RESOLUTION R2009-74 (COUNCIL MEETING SCHEDULE)**

**RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, ADOPTING A SCHEDULE FOR REGULAR MEETINGS FOR FY 2009/2010 AND PROVIDING AN EFFECTIVE DATE.**

Council approval of the 2009/2010 Regular Council meeting schedule and Resolution R2009-74.

**B. RESOLUTION NO. R2009-71 (INTERCITY RAIL COMPONENT)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA REQUESTING THE ASSISTANCE OF GOVERNOR CRIST AND FLORIDA DEPARTMENT OF TRANSPORTATION SECRETARY KOPELOUSOS TO PRIORITIZE THE INTERCITY RAIL COMPONENT OF THE FLORIDA EAST COAST (FEC CORRIDOR PROJECT (FROM JACKSONVILLE TO MIAMI) AS PART OF THE FEDERAL ECONOMIC STIMULUS PACKAGE FOR THE STATE OF FLORIDA.**

To approve Resolution No. R2009-71 requesting the assistance of Governor Crist and Florida Department of Transportation Secretary Kopelousos to prioritize the Intercity rail component of the Florida East Coast (FEC) Corridor project (from Jacksonville to Miami) as part of the Federal Economic Stimulus Package for the State of Florida.

**C. APPROVE AWARD OF REQUEST FOR PROPOSALS #025-09/JWV TO AQUATIC WEED TECHNOLOGY FOR AQUATIC VEGETATION CONTROL IN THE LAKES AND CANALS OF THE VILLAGE**

Award the contract for control of noxious aquatic plants in Village lakes and canals to Aquatic Weed Technology. The total annual contract amount will not exceed \$330,000. The Village's portion is \$315,000; Rustic Ranches' portion (which is paid for by Pine Tree Water

Control District) is \$15,000. For FY 2009-2010, \$360,000 has been proposed in the Public Works, Surface Water Management budget for aquatic vegetation control.

**D. FOREST HILL BOULEVARD AWARD OF LANDSCAPE ARCHITECTURE CONTRACT**

Approve Work Authorization under existing Continuing Contract for Landscape Architectural Services to IBI Group (one of the Village's CCNA Vendors) in the amount of \$69,500 to prepare landscape, irrigation, and accent lighting plans for Sections 2, 3 and 4 of the Forest Hill Boulevard project.

**E. SCOTT'S PLACE PLAYGROUND EQUIPMENT**

Award of Contract to Landscape Structures for Scott's Place play equipment.

**F. AWARD OF CONSTRUCTION CONTRACT - FOREST HILL BOULEVARD WATER MAIN REPLACEMENT PROJECT**

Approval of Award of Contract to Centerline Utilities, Inc. of Jupiter, Florida in the amount of \$754,907.50 for the replacement of 7,900 linear feet of water main and related appurtenances along the west edge of Forest Hill Boulevard between Guilford Drive and South Shore Boulevard.

**7. PUBLIC HEARINGS**

**A. FIRST BUDGET HEARING PROPOSED FISCAL YEAR 2009/2010**

Staff recommends Council approve the proposed fiscal year 2009/2010 Operating and Capital budget. This is the First Public Hearing on the proposed fiscal year 2009/2010 budget and the corresponding ad valorem millage rate in accordance with the Village of Wellington Charter and FS Section 200.065. The Second Public Hearing and Adoption will be held on September 29, 2009.

**B. ORDINANCE NO. 2009- 09 (MYSTIC EQUESTRIAN)**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, AMENDING THE FUTURE LAND USE MAP IN THE VILLAGE OF WELLINGTON COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL C TO RESIDENTIAL B FOR CERTAIN PROPERTY TOTALING 4.2 ACRES, MORE OR LESS, LOCATED ALONG THE WEST SIDE OF SOUTH SHORE BOULEVARD, IMMEDIATELY NORTH OF PIERSON ROAD FOR A PROPERTY KNOWN AS MYSTIC EQUESTRIAN, AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING FOR INCLUSION OF THE PROPERTY WITHIN THE EQUESTRIAN PRESERVE AREA ON THE FUTURE LAND USE MAP; AUTHORIZING THE TRANSMITTAL OF THE AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; AUTHORIZING THE VILLAGE MANAGER TO AMEND THE FUTURE LAND USE MAP; AND PROVIDING AN EFFECTIVE DATE.**

The petitioner is requesting to change the Future Land Use Map Designation from Residential C to Residential B.

**C. ORDINANCE NO. 2009-10 (MYSTIC EQUESTRIAN)**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA RELATING TO REZONING FOR PETITION NUMBER 2007-005 REZ 1, ALSO KNOWN AS MYSTIC EQUESTRIAN; PROVIDING FOR THE REZONING OF A PARCEL OF LAND, CONSISTING OF 4.2 ACRES, MORE OR LESS, WHICH IS LOCATED ALONG THE WEST SIDE OF SOUTH SHORE BOULEVARD, IMMEDIATELY NORTH OF PIERSON ROAD, AS MORE SPECIFICALLY DESCRIBED HEREIN; FROM AGRICULTURAL RESIDENTIAL (AR) / SPECIAL EXCEPTION (SE) / PLANNED UNIT DEVELOPMENT (PUD) TO AGRICULTURAL RESIDENTIAL (AR) / SPECIAL EXCEPTION (SE) / PLANNED UNIT DEVELOPMENT (PUD) / EQUESTRIAN OVERLAY ZONING DISTRICT (EOZD); PROVIDING FOR REVISIONS TO THE ZONING DISTRICT MAP; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

The petitioner is requesting to a rezoning of the property to include the Equestrian Overlay Zoning District (EOZD) designation.

**D. ORDINANCE NO. 2009-14 (WELLINGTON REGIONAL MEDICAL CENTER)**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA RELATING TO REZONING FOR PETITION NUMBER 2004-031 REZ 1, ALSO KNOWN AS WELLINGTON REGIONAL MEDICAL CENTER; PROVIDING FOR THE REZONING OF A PARCEL OF LAND, CONSISTING OF 57 ACRES, MORE OR LESS, LOCATED AT THE NORTHWEST CORNER OF STATE ROAD 7 AND FOREST HILL BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN; FROM PALM BEACH COUNTY INSTITUTIONAL PUBLIC FACILITIES (IPF) TO VILLAGE OF WELLINGTON MEDICAL CENTER PLANNED DEVELOPMENT (MCPD); PROVIDING FOR REVISIONS TO THE ZONING DISTRICT MAP; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

The petition establishes the initial Zoning Designation under the Village of Wellingtons Land Development Regulations (LDR's) for the Wellington Regional Medical Center. The State Growth Management Legislation requires that zoning be consistent with the Comprehensive Plan Land Use designation for all parcels within any jurisdiction. Once the Village established a Medical Commercial land use designation we were required to adopt a compatible zoning designation, hence the request for the establishment of the Medical Center Planned Development zoning district. The hospital is currently zoned Institutional Public Facilities (IPF) under Palm Beach Counties Unified Land Development Code, that zoning designation is not valid under either the Villages Comprehensive Plan or LDR's. The petitioner is seeking an initial zoning designation of Village of Wellington Medical Center Planned Development (MCPD) for the Wellington Regional Medical Center campus.

**E. RESOLUTION NO. R2009-49 (WELLINGTON REGIONAL MEDICAL CENTER)**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, APPROVING THE MASTER PLAN FOR PETITION NUMBER 2004-031 MP1, FOR CERTAIN PROPERTY KNOWN AS WELLINGTON REGIONAL MEDICAL CENTER, TOTALING 57 ACRES, MORE OR LESS, LOCATED AT THE NORTHWEST CORNER OF**



**STATE ROAD 7 AND FOREST HILL BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN, PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

The petitioner is seeking a Master Plan approval for the Wellington Regional Medical Center 57 acre campus amending the previously approved County master plan.

- 8. REGULAR AGENDA**
- 9. ATTORNEY'S REPORT**
- 10. MANAGER'S REPORT & UPDATES**
- 11. COUNCIL REPORTS**
- 12. CLOSING COMMENTS**
- 13. PUBLIC FORUM**
- 14. ADJOURNMENT**

**NOTICE**

If a person decides to appeal any decision made by the Village Council with respect to any matter considered at this meeting, you will need a record of the proceedings, and you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (The above notice is required by State Law. Anyone desiring a verbatim transcript shall have the responsibility, at his own cost, to arrange for the transcript).

Pursuant to the provision of the Americans With Disabilities Act: any person requiring special accommodations to participate in these meetings, because of a disability or physical impairment, should contact the Village Manager's Office (561) 791-4000 at least five calendar days prior to the Hearing.

5. A

**WELLINGTON VILLAGE COUNCIL  
AGENDA ITEM SUMMARY**

**AGENDA ITEM NAME:** Proclamation of the Village Council of the Village of Wellington, Florida  
Proclaiming September 21, 2009 as United Nations International Day of Peace

**ACTION REQUESTED:** Discussion ☐ Approval ☒

**BUDGET AMENDMENT  
REQUIRED:** Yes ☐ No ☒ See Below ☐

**PUBLIC HEARING:** Yes ☐ No ☒

**FIRST READING** ☐

**SECOND READING** ☐

**REQUEST:** Village Council approval proclaiming September 21, 2009 as United Nations  
International Day of Peace in the Village of Wellington.

Representatives from the Wellington Rotary Club will be present to accept the Proclamation.

**EXPLANATION:** The attached Proclamation has been prepared to designate September 21,  
2009 as United Nations International Day of Peace in the Village of Wellington.

**FISCAL IMPACT:** N/A

**RECOMMENDATION:** Staff recommends that September 21, 2009 be designated as United  
Nations International Day of Peace in the Village of Wellington.

**A PROCLAMATION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA PROCLAIMING THE DAY OF SEPTEMBER 21, 2009, AS UNITED NATIONS INTERNATIONAL DAY OF PEACE IN THE VILLAGE OF WELLINGTON.**

**WHEREAS**, the issue of peace embraces the deepest hopes of all peoples and remains humanity's guiding inspiration; and

**WHEREAS**, in 1981 the United Nations proclaimed the International Day of Peace to be "devoted to commemorating and strengthening the ideals of peace both within and among all nations and peoples"; and

**WHEREAS**, there is growing support within our city for the observance of the International Day of Peace, which affirms a vision of our world at peace, and fosters cooperation between individuals, organizations and nations; and

**WHEREAS**, global crises impel all citizens to work toward converting humanity's noblest aspirations for world peace and cultural understanding into a practical reality for future generations.

**NOW, THEREFORE**, be it resolved that the Village Council of the Village of Wellington hereby proclaims September 21, 2009, as United Nations Day of Peace in the Village of Wellington.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2009.

**ATTEST:**

**WELLINGTON, FLORIDA**

**BY:**\_\_\_\_\_  
Awilda Rodriguez, Village Clerk

**BY:**\_\_\_\_\_  
Darell Bowen, Mayor

5. B

## WELLINGTON VILLAGE COUNCIL AGENDA ITEM SUMMARY

**AGENDA ITEM NAME:** Proclamation of the Village Council of the Village of Wellington, Florida  
Proclaiming the Village of Wellington a Rotary Peace Community

**ACTION REQUESTED:** Discussion ☐ Approval ☒

**BUDGET AMENDMENT  
REQUIRED:** Yes ☐ No ☒ See Below ☐

**PUBLIC HEARING:** Yes ☐ No ☒

**FIRST READING** ☐

**SECOND READING** ☐

**REQUEST:** Village Council approval proclaiming the Village of Wellington as a Rotary Peace Community Representatives from the Wellington Rotary Club will be present to accept the proclamation.

**EXPLANATION:** The attached Proclamation has been prepared to designate the Village of Wellington as a Rotary Peace Community.

**FISCAL IMPACT:** N/A

**RECOMMENDATION:** Staff recommends that the Village of Wellington be designated as a Rotary Peace Community.

**A PROCLAMATION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA PROCLAIMING THE VILLAGE OF WELLINGTON AS A ROTARY PEACE COMMUNITY.**

**WHEREAS**, the issue of peace as a movement is worldwide and lives in the heart of all peoples; and

**WHEREAS**, in 2007, in Pattaya, Thailand, a new movement was conceived, called the “Rotary Peace Communities” program; and

**WHEREAS**, in 2008, at the World Peace Summit in Canada, over 100 cities and 11 communities in the United States were identified as “Rotary Peace Communities”; and

**WHEREAS**, the commitment to promoting the concepts of community and global peace, a dedication to multicultural understanding and conflict resolution within our community and throughout the world, and creating awareness among our citizens is essential to ensuring a “peace” community.

**NOW, THEREFORE**, be it resolved that the Village Council of the Village of Wellington hereby proclaims the Village of Wellington a Rotary Peace Community.

PASSED AND ADOPTED this \_\_\_\_day of \_\_\_\_\_, 2009.

ATTEST:

WELLINGTON, FLORIDA

BY: \_\_\_\_\_  
Awilda Rodriguez, Village Clerk

BY: \_\_\_\_\_  
Darell Bowen, Mayor

5. C

## WELLINGTON VILLAGE COUNCIL AGENDA ITEM SUMMARY

**AGENDA ITEM NAME:** A Proclamation of the Village Council of the Village of Wellington, Florida Recognizing Vice Mayor Dr. Carmine A. Priore for His Service as President of the Florida League of Cities, August, 2008 through August, 2009.

**ACTION REQUESTED:** Discussion ☐ Approval ☒

**BUDGET AMENDMENT  
REQUIRED:** Yes ☐ No ☒ See Below ☐

**PUBLIC HEARING:** Yes ☐ No ☒

**FIRST READING** ☐

**SECOND READING** ☐

**REQUEST:** To recognize Vice Mayor Dr. Carmine A. Priore for his service as President of the Florida League of Cities.

**EXPLANATION:** Vice Mayor Dr. Carmine A. Priore served as the President of the Florida League of Cities from August 2008 to August 2009. This Proclamation recognizes him for his service and accomplishments as President.

**FISCAL IMPACT:** N/A

**RECOMMENDATION:** Council's recognition of Vice Mayor Dr. Carmine A. Priore for his service as President of the Florida League of Cities from August 2008 to August 2009.

**A PROCLAMATION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA RECOGNIZING VICE MAYOR Dr. CARMINE A. PRIORE FOR HIS SERVICE AS PRESIDENT OF THE FLORIDA LEAGUE OF CITIES, AUGUST, 2008 THROUGH AUGUST, 2009.**

WHEREAS, The Florida League of Cities is the united voice for Florida's municipal governments. Its goals are to promote local self-government and serve the needs of Florida's municipal governments. The League is founded on the belief that local self-government is the keystone of American democracy; and

WHEREAS, Dr. Carmine A. Priore successfully campaigned for appointment to serve as 2<sup>nd</sup> Vice President of the Florida League of Cities from 2006 to 2007. He served as 1<sup>st</sup> Vice President from 2007 to 2008; and ultimately succeeded to President of the League in August 2008, serving in this capacity until August 15, 2009; and

WHEREAS, during his tenure as President, Dr. Priore initiated a multifaceted campaign designed to increase knowledge of civics, civility and ethics, while also promoting public participation in the political process; and

WHEREAS, the goal of Dr. Priore's statewide campaign was to make civics resources and materials available to teachers, community leaders, civic groups and the public. Additionally, he encouraged cities to work with citizens to promote public engagement and civility, to improve ethics awareness and compliance among local officials, and to develop city-specific civics materials to share in local communities; and

WHEREAS, just a few of the many accomplishments of Dr. Priore during his presidency of the Florida League of Cities include: A civics education resource page that has been created on the FLC web site; a compilation of ethics and civility resources for municipal elected officials and staff; and recognition of the League's educational effort by the Governor and Cabinet during a Florida City Government Week presentation at the Capitol; and

NOW, THEREFORE, the Village Council of the Village of Wellington, Florida does hereby recognize Vice Mayor Dr. Carmine A. Priore for his accomplishments while serving as President of the Florida League of Cities.

PASSED AND ADOPTED this 15<sup>th</sup> day of September, 2009.

ATTEST:

WELLINGTON, FLORIDA

BY: \_\_\_\_\_  
Awilda Rodriguez, Village Clerk

BY: \_\_\_\_\_  
Darell Bowen, Mayor



6. A

## WELLINGTON VILLAGE COUNCIL AGENDA ITEM SUMMARY

**AGENDA ITEM NAME:** RESOLUTION R2009-74 (COUNCIL MEETING SCHEDULE)

RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, ADOPTING A SCHEDULE FOR REGULAR MEETINGS FOR FY 2009/2010 AND PROVIDING AN EFFECTIVE DATE.

**ACTION REQUESTED:** Discussion ☐ Approval ☒

**BUDGET AMENDMENT  
REQUIRED:** Yes ☐ No ☒ See Below ☐

**PUBLIC HEARING:** Yes ☐ No ☒

**FIRST READING** ☐

**SECOND READING** ☐

**REQUEST:** Council approval of the 2009/2010 Regular Council meeting schedule and Resolution R2009-74.

**EXPLANATION:** Section 5(h) of the Charter of the Village of Wellington provides that the Village Council shall, by Resolution, adopt a schedule of regular Village Council meetings. Attached is a schedule and Resolution R2009-74, which adopts a schedule for regular Council meetings for 2009/2010. The endeavor is to cover major holidays without conflict.

**FISCAL IMPACT:** N/A

**RECOMMENDATION:** Staff recommends Council approval of Resolution R2009-74, as presented.

**RESOLUTION NO. R2009-74**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE  
VILLAGE OF WELLINGTON, FLORIDA ADOPTING A  
SCHEDULE FOR REGULAR MEETINGS FOR 2009/2010 AND  
PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 5(H) of the Charter of the Village of Wellington provides that the Village Council shall by resolution prescribe a schedule of regular Village Council meetings; and

**WHEREAS**, such schedule has been prepared for 2009/2010 regular Council meetings and is attached hereto.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA** that:

**SECTION 1.** The regular Village Council meeting schedule for the calendar year 2009/2010 attached hereto as Exhibit "A" is hereby adopted.

**SECTION 2.** This resolution shall take effect immediately upon adoption.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of September, 2009.

**ATTEST:**

**VILLAGE OF WELLINGTON, FLORIDA**

BY: \_\_\_\_\_  
Awilda Rodriguez, Village Clerk

BY: \_\_\_\_\_  
Darell Bowen, Mayor

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

BY: \_\_\_\_\_  
Jeffrey S. Kurtz, Village Attorney

## WELLINGTON VILLAGE COUNCIL FY 2009/2010 MEETING SCHEDULE

OCTOBER	NOVEMBER	DECEMBER	JANUARY
10/13 Regular Meeting	11/10 Regular Meeting	12/8 Regular Meeting	1/12 Regular Meeting
10/27 Regular Meeting	11/24 Regular Meeting*		1/26 Regular Meeting & Acme Landowners Mtg.
FEBRUARY	MARCH	APRIL	MAY
2/9 Regular Meeting	3/2 Regular Meeting**	4/13 Regular Meeting	5/11 Regular Meeting
2/23 Regular Meeting	3/16 Regular Meeting**	4/27 Regular Meeting	5/25 Regular Meeting
JUNE	JULY	AUGUST	SEPTEMBER
6/8 Regular Meeting	7/13 Regular Meeting	8/10 Regular Meeting	9/14 Regular Meeting
6/22 Regular Meeting	7/27 Regular Meeting (OPTIONAL)	8/24 Regular Meeting	9/28 Regular Meeting

- All Regular Meetings, unless otherwise noticed, will be held at 7:00 p.m. in the Wellington Community Center at 12165 W. Forest Hill Boulevard.
- Public Forums will be held after the Regular Meetings have concluded (if time allows).

\* **November 26<sup>th</sup> is Thanksgiving Day**

\*\* **Meetings moved to the first and third week of the month due to municipal election.**

6. B

**WELLINGTON VILLAGE COUNCIL  
AGENDA ITEM SUMMARY****AGENDA ITEM NAME:** RESOLUTION NO. R2009-71 (INTERCITY RAIL COMPONENT)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA REQUESTING THE ASSISTANCE OF GOVERNOR CRIST AND FLORIDA DEPARTMENT OF TRANSPORTATION SECRETARY KOPELOUSOS TO PRIORITIZE THE INTERCITY RAIL COMPONENT OF THE FLORIDA EAST COAST (FEC CORRIDOR PROJECT (FROM JACKSONVILLE TO MIAMI) AS PART OF THE FEDERAL ECONOMIC STIMULUS PACKAGE FOR THE STATE OF FLORIDA.

**ACTION REQUESTED:** Discussion ☐ Approval ☒**BUDGET AMENDMENT  
REQUIRED:** Yes ☐ No ☒ See Below ☐**PUBLIC HEARING:** Yes ☐ No ☒**FIRST READING** ☐**SECOND READING** ☐

**REQUEST:** To approve Resolution No. R2009-71 requesting the assistance of Governor Crist and Florida Department of Transportation Secretary Kopelousos to prioritize the Intercity rail component of the Florida East Coast (FEC) Corridor project (from Jacksonville to Miami) as part of the Federal Economic Stimulus Package for the State of Florida.

**EXPLANATION:** The Treasure Coast Regional Planning Council passed Resolution No. 09-04 at its March 20, 2009 meeting (a copy of which is attached) in support of the inclusion of the Intercity Rail Component of the Florida East Coast (FEC) Corridor project as part of Florida's economic stimulus plan. This project consists of train track and local train station improvements necessary to put passenger service back on the FEC rail line via Amtrak. The project would enable Amtrak to operate passenger train service on the FEC Corridor between Jacksonville and Miami. Reintroducing passenger service on the FEC Corridor has been a high priority for the Treasure Coast Council since the early 1990's. The Treasure Coast Regional Council has requested that its local governments adopt a similar resolution and forward copies to The Honorable Charlie Crist, Governor, Ms. Stephanie Kopelousos, Secretary of Transportation and Mr. Michael J. Busha, Executive Director, TCRPC.

**FISCAL IMPACT:** N/A**RECOMMENDATION:** Staff requests a motion by Council approving Resolution No. R2009-71.

**RESOLUTION NO. 2009-71**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA REQUESTING THE ASSISTANCE OF GOVERNOR CRIST AND FLORIDA DEPARTMENT OF TRANSPORTATION SECRETARY KOPELOUSOS TO PRIORITIZE THE INTERCITY RAIL COMPONENT OF THE FEC CORRIDOR PROJECT (FROM JACKSONVILLE TO MIAMI) AS PART OF THE FEDERAL ECONOMIC STIMULUS PACKAGE FOR THE STATE OF FLORIDA**

**WHEREAS**, the FEC corridor was historically operated as a passenger rail line along Florida's east coast, traversing or providing rail connections to urban areas like the Treasure Coast; and

**WHEREAS**, Florida's east coast historically developed around train stations along the FEC railroad; and

**WHEREAS**, local governments and the private sector along Florida's east coast are currently implementing programs to redevelop historic downtowns built around train stations; and

**WHEREAS**, improved mobility is highly desired in the Village of Wellington and throughout the State of Florida; and

**WHEREAS**, transit, including rail transit, is a key component of improved mobility, especially between cities and throughout the Florida's east coast; and

**WHEREAS**, the 2006 Florida Rail Plan identifies passenger transit along the FEC corridor as a potential "Coastal Route" for new passenger rail service in the State of Florida; and

**WHEREAS**, Amtrak is well-suited to provide passenger rail service along Florida's east coast; and

**WHEREAS**, the reintroduction of Amtrak service along Florida's east coast would provide near-term jobs and economic stimulus for Florida's residents and businesses; and

**WHEREAS**, the Federal Government is seeking appropriate projects for inclusion in the Federal economic stimulus package to provide immediate and near-term job opportunities for projects; and

**WHEREAS**, the Intercity FEC Corridor Project (Jacksonville/Miami) is an appropriate project for inclusion by the State of Florida in the American Recovery and Reinvestment Plan; and

**WHEREAS**, former work by Amtrak and FDOT includes plans for the improvements necessary to initiate Amtrak service on the FEC corridor;

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA that:**

**SECTION 1.** The above recitals are adopted as being true and correct.

**SECTION 2.** Requests the assistance of Governor Crist and FDOT Secretary Kopelousos to prioritize the Amtrak/FEC Corridor Project (from Jackson to Miami) as part of the Federal economic stimulus package for the State of Florida.

**SECTION 3.** The Village Clerk is hereby directed to send a copy of this Resolution to The Honorable Charlie Crist, Governor, Ms. Stephanie Kopelousos, Secretary of Transportation and Mr. Michael J. Busha, Executive Director, Treasure Coast Regional Planning Council.

**SECTION 4.** This Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** this 15th day of September, 2009.

**ATTEST:**

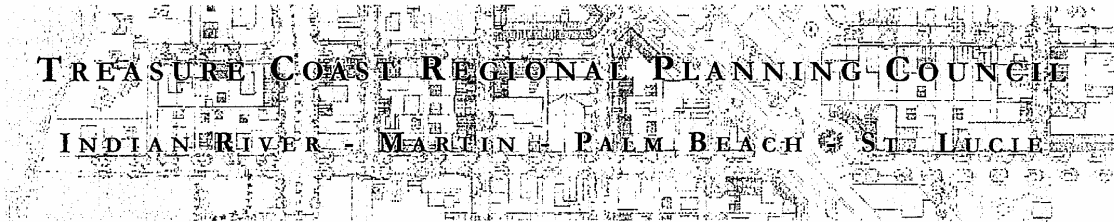
**VILLAGE OF WELLINGTON, FLORIDA**

BY: \_\_\_\_\_  
Awilda Rodriguez, Village Clerk

BY \_\_\_\_\_  
Darell Bowen, Mayor

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

BY: \_\_\_\_\_  
Jeffrey S. Kurtz, Village Attorney



MEMORANDUM

To: Treasure Coast Region Local Governments

From: Michael J. Busha, Executive Director *MSB*

Date: March 23, 2009

Subject: Resolution Supporting the Inclusion of the Intercity Rail Component of the Florida East Coast (FEC) Corridor Project as part of Florida's Economic Stimulus Plan

At its March 20, 2009 meeting, Council passed Resolution 09-04 (attached) in support of the inclusion of the Intercity Rail Component of the Florida East Coast Corridor project as part of Florida's economic stimulus plan. The project consists of train track and local train station improvements necessary to put passenger service back on the FEC rail line via Amtrak. Council is requesting that its local governments adopt a similar resolution (sample attached) and forward a copy to those listed below.

The Honorable Charlie Crist, Governor  
State of Florida, The Capitol  
400 S. Monroe Street  
Tallahassee, FL 32399-0001

Ms. Stephanie Kopelousos  
Secretary of Transportation  
Florida Department of Transportation  
605 Suwannee Street  
Tallahassee, FL 32399-0450

Michael J. Busha, Executive Director  
Treasure Coast Regional Planning Council  
421 SW Camden Avenue  
Stuart, Florida 34994

If you need additional information or assistance please call. Thank you.

Attachments

*"Bringing Communities Together" • Est. 1976*

421 S.W. Camden Avenue - Stuart, Florida 34994  
Phone (772) 221-4060 - Fax (772) 221-4067 - [www.tcrpc.org](http://www.tcrpc.org)



# Resolution 09-04

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members AGENDA ITEM 7

From: Staff

Date: March 20, 2009 Council Meeting

Subject: Resolution Supporting the Inclusion of the Intercity Rail Component of the Florida East Coast (FEC) Corridor Project as part of Florida's Economic Stimulus Plan

Introduction

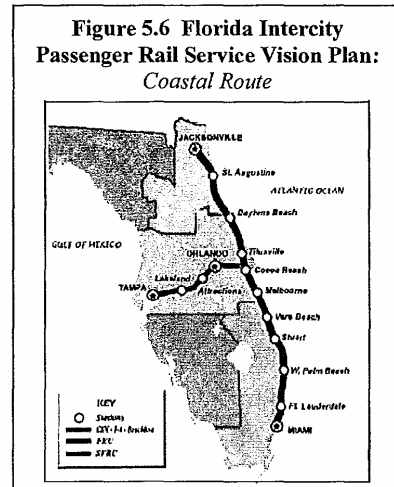
The purpose of this item is to have Council adopt a resolution supporting the inclusion of the Intercity Rail component of the FEC Corridor Project (from Jacksonville to Miami) as part of Florida's economic stimulus plan. The project would enable Amtrak to operate passenger train service on the FEC Corridor between Jacksonville and Miami. Reintroducing passenger service on the FEC Corridor has been a high priority for Council since the early 1990s. The Strategic Regional Policy Plan encourages the creation of a balanced and integrated transportation system, with strong emphasis on a regional mass transit system. Since 1994, Council has adopted a number of resolutions supporting passenger transit on the FEC, within the Region and beyond, to complement on-going redevelopment efforts, improve mobility, and expand economic development opportunities (see Attachments A, B, C). Council's Model Economic Stimulus Project list included as part of the staff report to Council for the February 20, 2009 meeting specifically includes putting passenger rail service back on the FEC as an initiative that should be funded (see Attachment D).

Background

In early 2000, Amtrak, FEC, the Florida Department of Transportation (FDOT) and regional authorities agreed to a service concept to reintroduce passenger rail along Florida's east coast on the FEC Corridor. Thirteen preliminary station locations, primarily in downtowns, were identified between Jacksonville and West Palm Beach, including Stuart, Fort Pierce, and Vero Beach. The new Amtrak long-distance service was anticipated to utilize existing FEC tracks, with limited additional track sidings as needed. An interconnection in West Palm Beach between the FEC and Chessie and Seaboard (CSX) tracks would be required to accomplish Amtrak service south to Miami. This general alignment is included in the 2006 Florida Rail Plan, which was developed by the FDOT, as a potential "East Coast Route" for long distance and new corridor rail service (carrier unspecified), and illustrated in the map

graphic titled “Figure 5.6 Florida Intercity Passenger Rail Service Vision Plan ~ Coastal Route” (identified in blue on the map).

Negotiations were nearly completed between Amtrak, FDOT, and the FEC. However, in 2002, the Federal government directed Amtrak to suspend negotiations pending revisions to Amtrak’s budget and debt structure. It is Council’s understanding the Federal loan provisions have been satisfied, and Amtrak began investigating new service alignments last year. In 2008, Amtrak’s budget was nearly doubled to \$13 Billion over five years (2009 through 2014), allowing the carrier to better expand its operations. The January 2009 economic stimulus legislation directs an additional \$8 Billion to states specifically to develop new corridor and long distance services and is being acted upon by states across the country.



#### Analysis

Council discussions with Amtrak representatives indicate the Amtrak/FEC Corridor Project (Jacksonville to Miami) could be an appropriate project for Florida to request as part of the Federal economic stimulus package termed the “American Recovery and Reinvestment Plan.” New long distance and intercity corridor service would complement on-going efforts in southeastern Florida, such as the current Tri-Rail service or potential new service to be recommended by the South Florida East Coast Corridor (SFECC) Study. The SFECC study is evaluating new service in the 85-mile FEC segment in Palm Beach, Broward, and Miami-Dade counties.

The cost to carry out the Amtrak/FEC Corridor Project is estimated to be approximately \$100 million. It should be noted that an Amtrak project would compete for a different source of Federal funding than either Tri-Rail or the SFECC project (Federal Railroad Administration funding versus Federal Transit Administration funding). Further, a Jacksonville/Miami Amtrak project would likely include an interconnection between the FEC and CSX tracks in Palm Beach County, which could shift this capital expense away from a future SFECC-recommended service, thereby improving the cost/benefit ratio for a Palm Beach/Miami FEC service.

#### Conclusion

The reintroduction of passenger transit on the FEC Corridor throughout the Region is an important component of the successful and sustainable redevelopment of the Region. The reintroduction of passenger transit on the FEC Corridor has been a high priority of the Council for nearly two decades. As part of a larger state-wide transit system, expanded Amtrak service could provide enhanced inter- and intra-regional mobility as well as

economic development in coastal cities. Amtrak's regional rail service would complement the existing Tri-Rail service (commuter rail) as well as the intensive service proposed on the FEC Corridor in Palm Beach, Broward, and Miami-Dade. Recent discussions with Amtrak representatives suggest good potential for this project to be advanced if included as part of Florida's request for Federal economic stimulus money.

Moving this project forward will require the State of Florida to include the Intercity FEC Corridor Project (Jacksonville/Miami) as part of its Federal economic stimulus request. The request should be initiated by FDOT, and Council should promote support among the Region's Legislative and Congressional delegation, the South Florida Regional Transportation Authority (SFRTA) and affected local governments along the FEC Corridor. If needed, Council staff would be available to assist with gathering land use, economic, and other relevant data as well as coordination with FDOT, the SFRTA, and other agencies as necessary. Council draft Resolution 09-04 which supports making this request, is included with this staff report.

#### Recommendation

It is recommended that Council: 1) adopt Resolution 09-04 supporting the inclusion of the Intercity FEC Corridor Project (Jacksonville/Miami) as part of Florida's request for Federal economic stimulus money; 2) transmit the resolution to the Governor, the Secretary of the Florida Department of Transportation, and Florida's Legislative and Congressional delegation; and 3) transmit the resolution to FDOT District 4, the South Florida Regional Transportation Authority, and affected local governments along the Florida East Coast Railway Corridor, with a request to adopt similar resolutions of support.

#### Attachments

**RESOLUTION 09-04**

**A RESOLUTION OF THE TREASURE COAST REGIONAL PLANNING COUNCIL REPRESENTING THE LOCAL GOVERNMENTS OF INDIAN RIVER, MARTIN, PALM BEACH, AND ST. LUCIE COUNTIES, FLORIDA REQUESTING THE ASSISTANCE OF GOVERNOR CRIST AND FLORIDA DEPARTMENT OF TRANSPORTATION SECRETARY KOPELOUSOS TO PRIORITIZE THE INTERCITY RAIL COMPONENT OF THE FEC CORRIDOR PROJECT (FROM JACKSONVILLE TO MIAMI) AS PART OF THE FEDERAL ECONOMIC STIMULUS PACKAGE FOR THE STATE OF FLORIDA**

---

**WHEREAS**, the FEC corridor was historically operated as a passenger rail line along Florida's east coast, traversing the Treasure Coast Region; and

**WHEREAS**, cities along Florida's east coast historically developed around train stations along the FEC railroad; and

**WHEREAS**, modern cities along Florida's east coast are currently implementing programs to redevelop historic downtowns built around train stations; and

**WHEREAS**, improved mobility is highly desired in the Treasure Coast Region and throughout the State of Florida; and

**WHEREAS**, transit, including rail transit, is a key component of improved mobility, especially between cities and throughout the Region; and

**WHEREAS**, the 2006 Florida Rail Plan identifies passenger transit along the FEC corridor as a potential "Coastal Route" for new passenger rail service in the State of Florida; and

**WHEREAS**, Amtrak is well-suited to provide passenger rail service along Florida's east coast; and

**WHEREAS**, station locations in the Treasure Coast Region should include a minimum of Vero Beach, Fort Pierce, Stuart, and West Palm Beach; and

**WHEREAS**, the reintroduction of Amtrak service along Florida's east coast would provide near-term jobs and economic stimulus for Florida's residents and businesses; and

**WHEREAS**, the Federal Government is seeking appropriate projects for inclusion in the Federal economic stimulus package to provide immediate and near-term job opportunities for projects; and

**WHEREAS**, the Intercity FEC Corridor Project (Jacksonville/Miami) is an appropriate project for inclusion by the State of Florida in the American Recovery and Reinvestment Plan; and

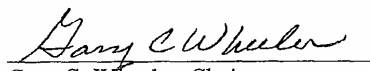
**WHEREAS**, former work by Amtrak and FDOT includes plans for the improvements necessary to initiate Amtrak service on the FEC corridor;


**NOW THEREFORE BE IT RESOLVED THAT:**

The Treasure Coast Regional Planning Council requests the assistance of Governor Crist and FDOT Secretary Kopelousos to prioritize the Amtrak/FEC Corridor Project (from Jacksonville to Miami) as part of the Federal economic stimulus package for the State of Florida.

The Chair thereupon declared the Resolution duly passed and adopted this 20th day of March 2009.

**Attest:**

  
Gary C. Wheeler, Chairman

  
Michael J. Busha, Executive Director

# Sample Resolution



RESOLUTION 09-\_\_\_\_

**A RESOLUTION OF THE (NAME OF ORGANIZATION) REQUESTING THE ASSISTANCE OF GOVERNOR CRIST AND FLORIDA DEPARTMENT OF TRANSPORTATION SECRETARY KOPELOUSOS TO PRIORITIZE THE INTERCITY RAIL COMPONENT OF THE FEC CORRIDOR PROJECT (FROM JACKSONVILLE TO MIAMI) AS PART OF THE FEDERAL ECONOMIC STIMULUS PACKAGE FOR THE STATE OF FLORIDA**

---

**WHEREAS**, the FEC corridor was historically operated as a passenger rail line along Florida's east coast, traversing or providing rail connections to urban areas like (County/City/etc.); and

**WHEREAS**, Florida's east coast historically developed around train stations along the FEC railroad; and

**WHEREAS**, local governments and the private sector along Florida's east coast are currently implementing programs to redevelop historic downtowns built around train stations; and

**WHEREAS**, improved mobility is highly desired in (County/City/etc.) and throughout the State of Florida; and

**WHEREAS**, transit, including rail transit, is a key component of improved mobility, especially between cities and throughout the Florida's east coast; and

**WHEREAS**, the 2006 Florida Rail Plan identifies passenger transit along the FEC corridor as a potential "Coastal Route" for new passenger rail service in the State of Florida; and

**WHEREAS**, Amtrak is well-suited to provide passenger rail service along Florida's east coast; and

**WHEREAS**, the reintroduction of Amtrak service along Florida's east coast would provide near-term jobs and economic stimulus for Florida's residents and businesses; and

**WHEREAS**, the Federal Government is seeking appropriate projects for inclusion in the Federal economic stimulus package to provide immediate and near-term job opportunities for projects; and

**WHEREAS**, the Intercity FEC Corridor Project (Jacksonville/Miami) is an appropriate project for inclusion by the State of Florida in the American Recovery and Reinvestment Plan; and

**WHEREAS**, former work by Amtrak and FDOT includes plans for the improvements necessary to initiate Amtrak service on the FEC corridor;

**NOW THEREFORE BE IT RESOLVED THAT:**

**(NAME OF ORGANIZATION)** requests the assistance of Governor Crist and FDOT Secretary Kopelousos to prioritize the Amtrak/FEC Corridor Project (from Jacksonville to Miami) as part of the Federal economic stimulus package for the State of Florida.

The Chair thereupon declared the Resolution duly passed and adopted this \_\_\_\_ day of \_\_\_\_\_ 2009.

**Attest:**

_____ (Name)	_____ Chairman/Mayor	_____ (Name)	_____ Title
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6. C

**WELLINGTON VILLAGE COUNCIL  
AGENDA ITEM SUMMARY**

**AGENDA ITEM NAME:** Approve Award of Request for Proposals #025-09/JWV to Aquatic Weed Technology for Aquatic Vegetation Control in the Lakes and Canals of the Village

**ACTION REQUESTED:** Discussion ☐ Approval ☒

**BUDGET AMENDMENT  
REQUIRED:** Yes ☐ No ☒ See Below ☐

**PUBLIC HEARING:** Yes ☐ No ☒

**FIRST READING** ☐

**SECOND READING** ☐

**REQUEST:** Award the contract for control of noxious aquatic plants in Village lakes and canals to Aquatic Weed Technology. The total annual contract amount will not exceed \$330,000. The Village's portion is \$315,000; Rustic Ranches' portion (which is paid for by Pine Tree Water Control District) is \$15,000. For FY 2009-2010, \$360,000 has been proposed in the Public Works, Surface Water Management budget for aquatic vegetation control.

**EXPLANATION:** The current contract for noxious aquatic plant control services expires on 9/30/2009. The Village posted Bid #025-09/JWV to establish a new contract, by sealed proposals, for the control of noxious aquatic plants in the canals and lakes of the Village for FY 2009-2010.

Services to control noxious aquatic plants are to be provided in drainage Basin "A" (C-23 and all canals and lakes north to Southern Boulevard), Basin "B" (all canals and lakes based south of Pierson Road), and Rustic Ranches. The critical goal of the services is to achieve free water flow so that the canals and lakes within the Village can be used effectively to regulate water levels for flood control.

Over 100 miles of canals and 250+ acres of lakes are treated within the Village each year, primarily through chemical spraying and mechanical harvesting of plants, but also by biological (triploid grass carp) and manual methods. A licensed applicator must be present at the time of all chemical applications and all chemicals and substances used by the contractor must be approved by the Environmental Protection Agency and the State of Florida. A wide margin of safety to fish, wildlife and landscaped areas must be provided.

The bid for control of noxious aquatic plants was released on June 23, 2009. Formal notice was broadcast by DemandStar, the Village's bid notification service. Thirty seven (37) vendors obtained bid documents resulting in four (4) submittals.

Bidder	Annual Contract Price
Arazoza Brothers	\$286,975.00
Aquatic Vegetation Control	\$309,000.00
Aquagenics/DeAngelo Brothers	\$329,975.00
Aquatic Weed Technology	\$330,000.00

Proposals were referred to the Selection Committee, consisting of Mitch Fleury, Public Works Director, Bill Conerly, Infrastructure Manager, and Ed DeLaVega, Senior Project Manager for independent review and scoring. The Committee then met as a group to discuss award recommendation. Since this solicitation was a request for proposals rather than a straight bid, recommendation for award was not based solely on low bid price, but was based on the following weighted criteria.

(a) Balanced Proposal Price	0 - 40 points
(b) Work Plan Submittal	0 - 20 points
(c) References	0 - 20 points
(d) Proper Licenses and Permits	0 - 10 points
(e) Evidence of Proper Insurance	0 - 10 points
Total	0 - 100 points

Evaluations resulted in the following rankings:

Arazoza Brothers	269 points
Aquagenics/DeAngelo Brothers	271 points
Aquatic Vegetation Control	280 points
Aquatic Weed Technology	281 points

Although they were the highest bidder, Aquatic Weed Technology had the highest ranking and was recommended for award for the following reasons:

1. Comprehensive and detailed work plan tailored to the Village's unique requirements.
2. Establishment of an in depth reporting system to mitigate development of treatment problems.
3. Substantial experience with aquatic vegetation control, particularly, experience around residences and equestrian communities.
4. Development of a detailed complaint calls response system along with considerable experience working with the public to resolve complaints.
5. Ample back up personnel and equipment.

The length of the contract is for one (1) year, from October 1, 2009 through September 30, 2010. Prices shall remain firm and fixed throughout the initial contract term. The Village reserves the right to renew the contract for three (3) additional one year terms.

#### **FISCAL IMPACT:**

Funding is allocated in the Surface Water Management budget as follows:

FY 2009-2010	
Proposed Budget:	\$360,000.00
Village of Wellington Contract Amount:	\$330,000.00

**RECOMMENDATION:** Award Bid #029-09/JWV to Aquatic Weed Technology, in the amount of \$330,000 annually, for noxious aquatic vegetation control and authorize execution of the contract documents, contingent upon legal approval, as presented.



**Village Council**  
Darell Bowen, Mayor  
Dr. Carmine A. Priore, Vice Mayor  
Lizbeth Benacquisto, Councilwoman  
Matt Willhite, Councilman  
Howard K. Coates, Jr., Councilman

**Village Manager**  
Paul Schofield

### REQUEST FOR PROPOSALS

The Village of Wellington Council is accepting sealed proposals for the purpose of AQUATIC VEGETATION CONTROL in the canals and lakes located within Village limits.

All Proposals must be received, one (1) original and five (5) copies, at the address below in the Purchasing Department, no later than July 23, 2009 at 2:00 p.m., Local Time, at which time all Proposals will be publicly opened and read. Receipt of a response by any Village Office, Receptionist, or personnel other than the Purchasing Department does not constitute "receipt" as required by this solicitation. The Purchasing time stamp shall be conclusive as to the timeliness of receipt.

Copies of this Request for Proposals may be obtained from DemandStar by Onvia at [www.demandstar.com](http://www.demandstar.com), or by calling toll free to 1-800-711-1712. For additional information, contact Jim Volkman, Village of Wellington Contract Coordinator, at 561-791-4101.

A Mandatory Pre-Proposal Meeting is to be held on July 8, 2009 at 10:00 a.m. in the Public Works Building located at 14001 Pierson Road, Wellington, Florida 33414.

A Selection Committee Meeting will be held on July 29, 2009 at 10:00 a.m., Local Time, at which time an award recommendation will be considered.

Proposal Security in the amount of ten percent (10%) of the Annual Lump Sum Proposal Price must accompany each Proposal in accord with the instructions to Proposers.

All Proposals should be sealed when submitted and be delivered or mailed to

Village of Wellington  
Purchasing Department  
14000 Greenbriar Boulevard  
Wellington, FL 33414

### ENVELOPE MUST BE IDENTIFIED AS SEALED PROPOSAL #025-09/JWV

The VILLAGE reserves the right to accept or reject any or all Proposals (in whole or in part) with or without cause, to waive technicalities, irregularities or informalities, or to accept Proposals which in its judgment best serve the Village.

VILLAGE OF WELLINGTON

Publish: Palm Beach Post, June 23, 2009

Account #9-657448





EVALUATION FORM

Village of Wellington  
 Evaluation Form - BID #025-09/JWV  
 Aquatic Vegetation Control  
 Opening July 23, 2009 @ 2:00 p.m.

Page 1 of 1

SELECTION COMMITTEE MEETING: August 6, 2009 at 9:00 a.m.

Mitchell Fleury 8/6/09  
 (evaluators signature) (date)

PROPOSERS	Proposal Price	Work Plan	References	Licenses & Permits	Insurance	TOTAL
	MAX. 40 pts.	MAX. 20 pts.	MAX. 20 pts.	MAX. 10 pts.	MAX. 10 pts.	MAX. 100 pts.
Araza Brothers (\$286,975)	40	10	20	10	10	90
Aquatic Vegetation (\$309,000)	36	15	20	10	10	91
DeAngelo Bros. (\$329,975)	34	15	20	10	10	89
Aquatic Weed Tech. (\$330,000)	34	20	20	10	10	94

EVALUATION FORM

Village of Wellington  
 Evaluation Form - BID #025-09/JWV  
 Aquatic Vegetation Control  
 Opening July 23, 2009 @ 2:00 p.m.

Page 1 of 1

SELECTION COMMITTEE MEETING: August 6, 2009 at 9:00 a.m.

CDEY (evaluators signature) 7/5/09 (date)

PROPOSERS	Proposal Price	Work Plan	References	Licenses & Permits	Insurance	TOTAL MAX. 100 pts.
	MAX. 40 pts.	MAX. 20 pts.	MAX. 20 pts.	MAX. 10 pts.	MAX. 10 pts.	
Arazoza Brothers (\$286,975)	40	17	20	10	10	97
Aquatic Vegetation (\$309,000)	36	20	20	10	10	96
DeAngelo Bros. (\$329,975)	34	18	20	10	10	92
Aquatic Weed Tech. (\$330,000)	33	19 <del>20</del>	20	10	10	92 <del>93</del>

**BID TABULATION**

**Bid #025-09/JWV for Aquatic Vegetation Control**

BID OPENING DATE: July 23, 2009  
BID OPENING TIME: 2:00 PM

\*Offers from the vendors listed herein are the only offers received timely as of the above receiving date and time. All other offers submitted in response to this solicitation, if any, are hereby rejected as late\*

BIDDERS	Arazzoza Brothers	Aquatic Vegetation Control	DeAngelo Brothers dba Aquagenics	Aquatic Weed Technology		
Acknowledgment of Addenda 1 & 2	Yes	Yes	Yes	Yes		
One Original and Five Copies Submitted	1 original & 4 copies	Yes	Yes	Yes		
Bid Security of 10% Submitted	Yes	Yes	Yes	Yes		
Second Revised Proposal Submitted	Yes	Yes	Yes	Yes		
Work Plan Submitted	No	Yes	Yes	Yes		
Description of Previous Service Contracts Submitted	Yes	Yes	Yes	Yes		
Drug Free Workplace Form Submitted	Yes	Yes	Yes	Yes		
Vendor Service Representative Submitted	Yes	Yes	Yes	Yes		
References Submitted	Yes	Yes	Yes	Yes		
Insurance Certificates Submitted	Yes	Yes	Yes	Yes		
Appropriate Licenses Submitted	Yes	Yes	Yes	Yes		
Basin "A" and "B" Annual Lump Sum Price	\$ 264,475.00	\$ 285,000.00	\$ 298,700.00	\$ 315,000.00	\$	\$
Rustic Ranches Annual Lump Sum Price	\$ 22,500.00	\$ 24,000.00	\$ 31,275.00	\$ 15,000.00	\$	\$
<b>TOTAL "A", "B", &amp; RUSTIC RANCHES</b>	<b>\$ 286,975.00</b>	<b>\$ 309,000.00</b>	<b>\$ 329,975.00</b>	<b>\$ 330,000.00</b>	<b>\$</b>	<b>\$</b>
Licensed Applicator	\$ 45.00 per hour	\$ 49.00 per hour	\$ 62.00 per hour	\$ 35.00 per hour	\$	\$ per hour

*[Signature]*

## SECOND REVISED PROPOSAL SUBMITTAL

Deliver To:

For:

Purchasing Department  
Village of Wellington  
14000 Greenbriar Boulevard  
Wellington, Florida 33414

Proposal #025-09/JWV  
Aquatic Vegetation Control

AQUATIC WEED TECHNOLOGY, INC.  
(VENDOR)

agrees to provide services for aquatic vegetation control as defined in this Request for Proposals in accordance with the requirements of the Specifications and Proposal Documents.

Gentlemen:

The undersigned Proposer has carefully examined the Specifications and Contract Documents and is familiar with the nature and extent of the Work and any local conditions that may in any manner affect the Work to be done.

The undersigned agrees to provide the aquatic vegetation control detailed in the Specifications in the manner prescribed therein and to the standards of quality and performance established by the Village for the Contract price stated in the spaces provided on the Proposal Form.

The undersigned agrees to the right of the Village to hold all Proposals and Proposal guarantees for a period not to exceed ninety (90) days after date of Proposal opening stated in the Request for Proposals.

The undersigned accepts in the invoicing and payment terms specified in specifications.

PROPOSER HEREBY WARRANTS THE FOLLOWING:

All personnel performing services shall be properly licensed as required by local and State laws, ordinances, and regulations. Yes ☒ No ☐

All chemicals used while providing services shall be approved by the United States Environmental Protection Agency for use and are registered for such use in the State of Florida. Yes ☒ No ☐

## PRICE PROPOSAL

DESCRIPTION OF SERVICES	ANNUAL LUMP SUM PROPOSAL PRICE (Base Price Used for Calculating Monthly Payments)
Aquatic Vegetation Control In Basin "A" and Basin "B"	\$ 315,000.00
Aquatic Vegetation Control In Rustic Ranches	\$ 15,000.00
Total for Basin "A", "B", and Rustic Ranches	\$ 330,000.00

DESCRIPTION OF SERVICES	RATE PER HOUR FOR RENDERED SERVICES	
Licensed Applicator	\$ 35.00	Per Hour

Dated this 23 day of JULY, 2009  
 (Month) (Year)

## INDIVIDUAL, FIRM OR PARTNERSHIP

By: \_\_\_\_\_ / \_\_\_\_\_  
 (signature) (print name)

Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

Social Security Number (OR) Taxpayer Identification Number: \_\_\_\_\_

CORPORATION PLEASE SEE NEXT PAGE

By: \_\_\_\_\_ / \_\_\_\_\_  
 (signature) (print name)

Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

Taxpayer Identification Number: \_\_\_\_\_

State Under Which Corporation was Chartered: \_\_\_\_\_

Corporate President: \_\_\_\_\_  
 (print name)

Corporate Secretary: \_\_\_\_\_  
 (print name)

Corporate Treasurer: \_\_\_\_\_  
 (print name)

Attest By: \_\_\_\_\_  
 Secretary

CORPORATE SEAL

Proposer acknowledges the receipt of Addenda No.'s \_\_\_\_\_

Proposal 025-09/JWV: Aquatic Vegetation Control

Village of Wellington

INDIVIDUAL, FIRM OR PARTNERSHIP

By: \_\_\_\_\_ / \_\_\_\_\_  
(signature) (print name)

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

Social Security Number (OR) Taxpayer Identification Number: \_\_\_\_\_

CORPORATION

By:  / Joel L. Fruendt  
(signature) (print name)

Address: 159 N. Garden Avenue  
Roselle, IL 60172

Telephone: 630-894-2000 Fax: 630-894-1774

E-mail: ksentz@aquaticweed.com

Taxpayer Identification Number: 13-4306095

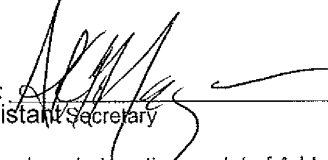
State Under Which Corporation was Chartered: Illinois

Corporate President: J. Lyell Clarke, III  
(print name)

Corporate Secretary: Andrew P. Tecson  
(print name)

Corporate Treasurer: J. Lyell Clarke, III  
(print name)

CORPORATE SEAL

Attest By:   
Assistant Secretary

Proposer acknowledges the receipt of Addenda No.'s 1 AND 2

6. D

## WELLINGTON VILLAGE COUNCIL AGENDA ITEM SUMMARY

**AGENDA ITEM NAME:** Forest Hill Boulevard Award of Landscape Architecture Contract

**ACTION REQUESTED:** Discussion ☐ Approval ☒

**BUDGET AMENDMENT  
REQUIRED:** Yes ☐ No ☒ See Below ☐

**PUBLIC HEARING:** Yes ☐ No ☒

**FIRST READING** ☐

**SECOND READING** ☐

**REQUEST:** Approve Work Authorization under existing Continuing Contract for Landscape Architectural Services to IBI Group (one of the Village's CCNA Vendors) in the amount of \$69,500 to prepare landscape, irrigation, and accent lighting plans for Sections 2, 3 and 4 of the Forest Hill Boulevard project.

**EXPLANATION:** The Village's two engineering consultants have completed 80% roadway plans for Sections 2, 3 and 4 of our Forest Hill Boulevard project. IBI Group had earlier completed irrigation plans for this corridor that were forwarded to the Florida Department of Transportation for their review. This work authorization directs the consultants to prepare landscape plans and accent lighting plans for those sections of Forest Hill Boulevard. The Village will coordinate installation of the improvements for the landscaping and roadway projects.

**FISCAL IMPACT:** Expenditure of \$69,500 as part of the Forest Hill Boulevard project.

**RECOMMENDATION:** It is recommended that the Village Council approve the attached work authorization with IBI Group.

**CONSULTANT SERVICES WORK AUTHORIZATION FORM**

This Consultant Work Authorization Form for Forest Hill Boulevard Section II through IV Electrical, Landscape & Irrigation Design Services (Project) is dated this \_\_\_\_\_ day of \_\_\_\_\_, 2009 by and between the Village of Wellington, ("Village") and IBI Group, Inc ("Consultant").

**RECITALS:**

WHEREAS, the Consultant entered into that certain Agreement for Consulting Services dated March 20, 2007 ("Agreement") with the Village, and said Agreement is incorporated herein by reference; and,

WHEREAS, the parties desire to set forth a specific scope of services to be performed by the Consultant, the amount of compensation to be paid to the Consultant and the time in which the Consultant is to be paid and a completion date for such services and or work product.

NOW THEREFORE, in consideration of the mutual promises contained herein the parties agree as follows:

1. The above Recitals are true and correct and are incorporated herein by reference.
2. The Consultant shall perform the following services: See Exhibit A
3. The compensation for the above services shall be \$69,500.00 and in accordance with the Agreement.
4. The Consultant shall complete such services no later than \_\_\_\_\_ from the date of this work authorization, at which time the Consultant shall provide such services and or work product to the Village's Designee for the above referenced Agreement. The parties understand that all terms and conditions of the Agreement are applicable and to the extent there is a conflict between this Consultant Services Work Authorization Form and the Agreement, the Agreement shall control.
5. This document shall not be construed against the party who drafted the same as all parties to this Agreement have had legal and business experts review the adequacy of the same.

AUTHORIZED THE DATE AND YEAR STATED ABOVE.

Witnesses:

Village of Wellington

\_\_\_\_\_ By: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Consultant

\_\_\_\_\_ By: \_\_\_\_\_



**Exhibit A – Scope of Services****Forest Hill Boulevard Section II Through IV Electrical, Landscape & Irrigation Design Services**

July 10<sup>th</sup>, 2009

*Revised August 28<sup>th</sup>, 2009*

IBI is pleased to provide this Scope of Services to Village of Wellington (Client). The Village desires to retain IBI Group (IBI) to prepare landscape architectural construction drawings as described in Agreement For Professional Consulting Services. This Work Authorization shall be performed under the terms and conditions described within the Agreement for Professional Consulting Services dated March 20<sup>th</sup>, 2007 by and between the Village of Wellington and The RMPK Group Inc. (now called IBI Group).

**PART I - Project Description**

1.1 **Background** – The Village has embarked on an ambitious program to improve the visual aesthetics and functionality of Forest Hill Boulevard from Southern Boulevard (SR 80) and US 441 (SR 7). The project is broken into four sections:

- Section I - Southern Boulevard (SR 80) to (Northern) Wellington Trace Intersection
- Section II - (Northern) Wellington Trace Intersection to Montauk Drive
- Section III - Montauk Drive to Birkdale Drive
- Section IV - Birkdale Drive to US 441 (SR 7)

Section I was recently landscaped and irrigated. The Client would like IBI to provide landscape architectural design services for Sections II, III and IV. IBI will track the Opinions of Probable Cost and produce Schedule of Values by Section. Deliverables and tasks will be performed for all three Sections at the same time, and as one. The Client is the Owner of the roadway right-of-way, which is located in Wellington, Florida.

1.2 **TASK 1**

**Section II - (Northern) Wellington Trace Intersection to Montauk Drive** – The project is the installation of landscape, landscape lighting and irrigation modifications in the median and along certain portions of Forest Hill Boulevard right-of-way. The approximate budget for Section II is \$590,000 and is the basis for the scope of services. It shall be considered an additional service if additional budget is allocated for this design work.

1.3 **TASK II**

**Section III - Montauk Drive to Birkdale Drive** – The project is the installation of landscape, landscape lighting and irrigation modifications in the median and along certain portions of Forest Hill Boulevard right-of-way. The approximate budget for Section III is \$300,000 and is the basis for the scope of services. It shall be considered an additional service if additional budget is allocated for this design work.



- 1.4 **TASK III**  
**Section IV - Birkdale Drive to US 441 (SR 7) - Background** – The project is the installation of landscape and landscape lighting in the Forest Hill Boulevard right-of-way median. The approximate budget for Section IV is \$225,000 and is the basis for the scope of services. It shall be considered an additional service if additional budget is allocated for this design work.
- 1.5 **Landscape Design Services** – The Client wishes IBI to prepare landscape construction document for improvements to the medians and to certain areas along the right-of-way (space permitting).
- 1.6 **Electrical Design Services** – The Client wishes IBI to prepare electrical construction documents for landscape lighting in the median only for Section II and Section IV. Power will be obtained from a service drop location provided by FPL. Required metering, transformer and distribution will be provided to serve loads along the corridor. Power distribution will be run in underground direct buried conduit, specified by IBI, with conductors sized for loads and voltage drop. Actual load for landscape lighting will be coordinated during the design phase. Client to provide lighting specification and installation detail to IBI. Electrical Design for Section III is by Others and not the responsibility of IBI. However, IBI will specify the landscape light locations and provide said locations to the Village and or their delegates.
- 1.7 **Irrigation Design Services** – The roadway corridor currently has multiple irrigations systems. The Client is in the process of designing a comprehensive irrigation mainline system but intends to leave lateral lines and spray heads in tact. IBI will provide miscellaneous irrigation design services and Schedule of Value allocations related to modifying the existing system to make it compatible with the new mainline or to accommodate the proposed landscape design. The intent is for IBI to provide the Client with a mechanism/drawing/specification summarizing needed irrigation work/improvements to be include in a publicly bid project (Schedule of Values).

## SCOPE OF SERVICES

### PART II – Electrical, Landscape & Irrigation Construction Documents

- 2.1 **Existing Data** – The Client shall provide base data for the roadway corridor in AutoCAD format. The drawing file must contain all existing and proposed data customarily found in permitted construction drawings including but not limited to all above ground and below ground physical features such as curbs, edge of pavement, signage, walls, fences, spot grades, overhead wires, pavement marking, drainage structures and utilities; and imaginary lines such as centerline, right-of-way lines, easements lines and lot lines. IBI will not be adjusting, amending, resurveying or performing field verifications, except as outlined below, for the received data. Should these services be required in order to prepare permissible construction drawings, they will be provided to the Client as an additional service. The client is responsible for providing the new roadway configuration for the intersection of SR 7/US 441 and Forest Hill Boulevard.



- 2.2 **Design Intent Meeting, Field Visit & Landscape Verification** – IBI will meet with the client to discuss landscape, the landscape concept and plant palette. At the same time, IBI will field verify and document existing landscape to remain, as indicated onsite by the Client. IBI will incorporate existing landscape into the base data provided by the Client. IBI will produce and distribute meeting minutes that summarize direction given regarding the design intent.
- 2.3 **30% Landscape Construction Drawings** – Based on the direction given by the Client at the design intent meeting, IBI will prepare landscape construction drawings including details, elevations and sections necessary to communicate the design intent and construction materials required.
- 2.4 **30% CD's Opinion of Probable Cost** – IBI shall prepare an opinion of probable cost for the program elements detailed in the 30% landscape construction drawings. Costs and quantities for electrical and irrigation components and services will be, at this stage, estimated.
- 2.5 **30% Technical Specifications** – IBI will prepare an outline of technical specification sections related to the development of landscape and irrigation for the project.
- 2.6 **30% Client Review** – The Client will review the 30% construction drawings, opinion of probable cost and technical specifications outline and provide one (1) consolidated list of comments to IBI. IBI will revise the plans in response to Client comments, during the next phase of work.
- 2.7 **50% Landscape Construction Drawings** – Based on the approved drawings and comments received on the 30% submittal, IBI will prepare landscape construction drawings including details, elevations and sections necessary to communicate the design intent and construction materials required.
- 2.8 **50% Irrigation Construction Drawings** – The 50% irrigation construction drawings will identify potential conflicts or areas of concern.
- 2.9 **50% Electrical Construction Drawings** – IBI will provide 50% electrical construction drawings, including plan, sections and or elevation necessary to communicate landscape lighting.
- 2.10 **50% CD's Opinion of Probable Cost** – IBI shall prepare an opinion of probable cost for the program elements detailed in the 50% electrical, landscape and irrigation construction drawings.
- 2.11 **50% Technical Specifications** – IBI will prepare technical specification sections related to the development of electrical, landscape and irrigation for the project.
- 2.12 **50% Client Review** – The Client will review the 50% construction drawings, opinion of probable cost and technical specifications and provide one (1) consolidated list of comments to IBI. IBI will revise the plans in response to Client comments, during the next phase of work.
- 2.13 **100% Construction Documents** – Based on the approved 50% documents, IBI shall prepare 100% electrical, landscape and irrigation construction plans and details for the approved program elements as well as technical specifications.



- 2.14 **100% Opinion of Probable Cost** – IBI shall prepare an opinion of probable cost for the 100% stage of completion; based on the elements shown in the 100% drawings.
- 2.15 **Client Review** – The Client will review the 100% construction drawings, technical specifications and opinion of probable cost and provide one (1) consolidated list of comments to IBI. IBI will revise the plans in response to Client comments, during the next phase of work.
- 2.16 **Bid Documents** – Based on the comments received from the Client, IBI shall implement final revisions to the drawings, opinion of probable cost and technical specifications. IBI will then assemble a bid package utilizing the Client's Front End Docs and typical bid format. IBI shall provide the Client with one digital copy for reproduction as needed.

*Deliverables – As a result of these tasks, IBI shall produce the following:*

- *One (1) 8 ½" X 11" black and white copy of design intent meeting minutes*
- *Two (2) 11" X 17" black and white sets 30% landscape construction drawings*
- *One (1) 8 ½" X 11" black and white copy 30% opinion of probable cost*
- *One (1) 8 ½" X 11" black and white copy 30% outline technical specifications*
- *Two (2) 11" X 17" black and white sets 50% landscape construction drawings*
- *Two (2) 11" X 17" black and white sets 50% irrigation construction drawings*
- *Two (2) 11" X 17" black and white sets of 50% electrical construction drawings*
- *One (1) 8 ½" X 11" black and white copy 50% opinion of probable cost*
- *One (1) 8 ½" X 11" black and white copy 50% technical specifications*
- *Two (2) 11" X 17" black and white sets 100% electrical, landscape and irrigation construction drawings*
- *One (1) 8 ½" X 11" black and white copy 100% opinion of probable cost*
- *One (1) 8 ½" X 11" black and white copy 100% technical specification*
- *Two (2) copies of the Bid Documents including: 8 ½" X 11" black and white technical specifications; 8 ½" X 11" black and white bid form; 8 ½" X 11" black and white Front End Documents (provided by the Client) and ten (10) black and white 11" X 17" landscape and irrigation drawings.*
- *One (1) PDF of Bid Documents*



### **PART III– Additional Services**

3.1 **Additional Services** - IBI will provide Additional Services as mutually agreed upon between IBI and the Client. Additional Services may include:

- Additional Concepts
- Permits
- SFWMD Consumptive Use Permit Application
- Lighting Design Services
- Survey
- Structural Design Services
- Construction Administration
- Construction Observation
- Construction Services

### **Part IV - Compensation**

3.2 IBI shall bill the City a lump sum fee for each Task of the Scope of Services as listed below. The project will be invoiced monthly on a percent complete of each Part of the Scope of Services. Expenses are included in the lump sum.

Task I – Section II-Electrical, Landscape & Irrigation Construction Documents	\$38,500
Task II – Section III-Electrical, Landscape & Irrigation Construction Documents	\$17,500
Task III – Section IV Electrical, Landscape & Irrigation Construction Documents	<u>\$13,500</u>
<b>Total</b>	<b><u>\$69,500</u></b>

Part IV – The fee for Part III, Additional Services, shall be billed using the negotiated Hourly Rate Schedule detailed in the Contract or as an agreed upon fixed fee, if authorized by the Client.

6. E

## WELLINGTON VILLAGE COUNCIL AGENDA ITEM SUMMARY

**AGENDA ITEM NAME:** Scott's Place Playground Equipment

**ACTION REQUESTED:** Discussion ☐ Approval ☒

**BUDGET AMENDMENT  
REQUIRED:** Yes ☒ No ☐ See Below ☐

**PUBLIC HEARING:** Yes ☐ No ☒

**FIRST READING** ☐

**SECOND READING** ☐

**REQUEST:** Award of Contract to Landscape Structures for Scott's Place play equipment.

**EXPLANATION:** The Village is recommending purchase of play equipment from Landscape Structures utilizing a piggyback contract from US Communities which the State of Florida permits. It is a nationwide purchasing cooperative designed to be a procurement resource for local and state government agencies. The US Communities piggyback contract provides the Village with an 8% price discount. This award will allow play equipment to be delivered to meet our Scott's Place Playground grand opening.

**FISCAL IMPACT:** Expenditure of \$180,966.04.

**RECOMMENDATION:** The Village recommends award of contract to Landscape Structures piggybacking onto the US Communities contract.



Page 1 of 3

**Please make POs and contracts out to:**

Landscape Structures, Inc.  
601 7th Street South  
Delano, MN 55328-8605

**Please mail checks to:**

Landscape Structures SDS 12-0395  
P.O. Box 86  
Minneapolis, MN 55486-0395

<b>Proposed To:</b>	Village of Wellington Engineering Department 12794 W. Forest Hill Blvd. Ste.23 Wellington, FL 33414	<b>Ship To:</b>	Community Center 3401 South Shore Blvd Wellington, FL 33414	<b>Bill To:</b>	Village of Wellington 14000 Greenbrier Blvd Wellington, FL 33414
<b>Attn:</b>	Nathan Haughn	<b>Attn:</b>	Nathan Haughn	<b>Attn:</b>	Accounts Payable
<b>Phone:</b>	561-753-2580	<b>Phone:</b>	561-753-2580	<b>Phone:</b>	561-791-4000
<b>Fax:</b>	561-791-4060	<b>Fax:</b>	561-791-4060	<b>Fax:</b>	561-753-2445
				<b>Terms:</b>	See below
<b>Project No:</b>	4607	<b>Project Name:</b>	Village of Wellington-Community Ce	<b>Project Contact:</b>	Nathan Haughn
<b>Proposal No:</b>	4607.15	<b>Proposal Name:</b>	Community Center Playground - PB	<b>Project Location:</b>	3401 South Shore Blvd. Wellington, FL 33414
<b>Proposal Date:</b>	8/25/2009	<b>Proposal Expires:</b>	9/24/2009		
<b>For Questions Call:</b>	Tricia Thomas	<b>Phone:</b>	407-831-9658		
<b>Sales Rep:</b>	Kevin Furman	<b>Phone:</b>	561-333-4451		
<b>E-Mail:</b>	kfurman@repservices.com			<b>Option:</b>	E
				<b>Rev:</b>	0
				<b>Input By:</b>	TT - 8/26/2009

<b>Vendor:</b>	Landscape Structures 522036	<b>Proj Drawings:</b>	28465-2-2	<b>Freight:</b>	Prepaid	<b>Ship Method:</b>	Best Way	<b>FOB:</b>	Destination
Part No	Qty	Description	Unit Wt	Unit Price	Ext Price				
Custom		CP-LSI CUSTOM STAGECOACH SEE SAW	175	13,000.00	13,000.00				
Custom		138871REF	1	10,380.00	10,380.00				
		143760REF	2	1,140.00	2,280.00				
		151844REF	1	18,600.00	18,600.00				
		159854REF	1	10,975.00	10,975.00				
		2846522	1	335.00	335.00				
		2846522	2	315.00	630.00				
		2846522	1	725.00	725.00				
		610453REF	1	5,960.00	5,960.00				
		694395REF	1	885.00	885.00				
Arches		PB111406E-001	1	845.00	845.00				
Bridges		PB143677A-001	1	2,915.00	2,915.00				
		PB143195A-001	1	3,110.00	3,110.00				
		PB127234A-003	1	3,610.00	3,610.00				
		PB111346B-001	1	350.00	350.00				
		PB136156A-004	1	2,360.00	2,360.00				
		PB156232A-001	11	2,765.00	30,415.00				
Climbers		PB126194A-001	1	1,925.00	1,925.00				
		PB136158A-001	1	1,960.00	1,960.00				
		PB116249A-003	1	500.00	500.00				
		PB123284A-001	1	455.00	455.00				
		PB160422A-002	1	2,390.00	2,390.00				
		PB153165A-001	1	325.00	325.00				
Decks		PB152911A-001	1	1,565.00	1,565.00				
		PB152911A-004	1	1,565.00	1,565.00				
		PB111232A-001	8	1,925.00	15,400.00				
		PB154752A-002	1	2,995.00	2,995.00				
		PB121948A-001	1	78.00	78.00				
		PB111230A-001	1	625.00	625.00				
		PB111229A-001	1	645.00	645.00				
		PB112471A-001	1	355.00	355.00				
		PB111231A-001	1	525.00	525.00				

This proposal is presented by



**REP SERVICES, INC.**  
Experts at Play & Outdoor Spaces

902 Waterway Place · Longwood, FL 32750-3573  
407.831.9658 (P) · 407.834.5366 (F) · 800.992.5357  
www.repservices.com · sales@repservices.com

Proposal No: 4607.15

Project Name: Village of Wellington-Community Center Play

Proposal Date: 8/25/2009

Page 2 of 3

Vendor:	Landscape Structures 522036		Proj Drawings: 28465-2-2		Freight: Prepaid		Ship Method: Best Way		FOB: Destination	
	Part No	Qty	Description		Unit Wt	Unit Price	Ext Price			
Enclosures	PB119646A-001	1	TRIANGULAR TENDERDECK EXTENSION		51	505.00	505.00			
	PB128623A-001	4	ACCESSIBLE PANEL CURB		5	72.00	288.00			
	PB127953A-001	9	PERM. HANDHOLD SET		24	195.00	1,755.00			
	PB116244A-001	2	PIPE BARRIER		51	405.00	810.00			
	PB116244B-001	1	PIPE BARRIER W/WHEEL		57	535.00	535.00			
	PB116245A-001	1	PIPE GUARDRAIL ABOVE DECK		28	340.00	340.00			
Indep. Playthings	PB111275A-001	10	HANDLOOP ASSEMBLY		10	150.00	1,500.00			
	PB160054C-001	1	STATIONARY CYCLER PEDALS/HANDLES		34	1,050.00	1,050.00			
Indep. Swings	IP122837A-010	1	SGL POST SWING UNCOATED		229	1,075.00	1,075.00			
	IP122838A-001	1	SGL. POST (ADDTL.2 PLC)-UNCOATED		187	1,518.00	1,518.00			
Learning Walls	IP122838A-003	1	SGL. POST (ADDTL.2 PLC)-UNCOATED		157	1,118.00	1,118.00			
	PB135730A-001	1	MATCH 3 HALF PNL		24	535.00	535.00			
	PB115243A-001	1	SOUND CHIMES [ABOVE DECK]		60	975.00	975.00			
	PB135731A-001	1	SOUND CHIMES HALF PNL		31	840.00	840.00			
	PB123483A-001	1	SPACE PANEL [ABOVE DECK]		59	880.00	880.00			
	PB114649A-001	1	ZOO INFILL PANEL		31	505.00	505.00			
Miscellaneous	PB111357A-001	1	CHINNING BAR		41	360.00	360.00			
	PB111356A-001	1	LOG ROLL		87	930.00	930.00			
	PB111363A-001	1	TALK TUBE (NO POST)		14	340.00	340.00			
	PB111362A-001	1	TALK TUBE 40' TUBING KIT		15	140.00	140.00			
Overhead Events	PB141886A-001	1	RAIL/HANDLOOP ASSEMBLY 24 DECK		34	445.00	445.00			
Playthings	PB119430A-002	2	OVERHEAD PARALLEL BAR/HORIZ.LAD		121	815.00	1,630.00			
	PB126274A-002	1	WAVE NET HORIZONTAL LADDER		120	1,925.00	1,925.00			
	IP120710A-001	1	DISC CLIMBER 8 D.B.		12	195.00	195.00			
	IP120711A-001	1	DISC CLIMBER 16 D.B.		14	200.00	200.00			
Posts	PB111404E-001	12	116 ALUM. POST D.B.		29	215.00	2,580.00			
	PB111404F-001	15	108 ALUM. POST D.B.		28	210.00	3,150.00			
	PB111404G-001	11	100 ALUM. POST D.B.		26	205.00	2,255.00			
	PB111404H-001	7	92 ALUM. POST D.B.		23	195.00	1,365.00			
	PB111404I-001	8	84 ALUM. POST D.B.		21	185.00	1,480.00			
	PB111403E-001	6	150 ALUM. POST FOR ROOF		34	250.00	1,500.00			
	PB111403F-001	4	142 ALUM. POST FOR ROOF		33	245.00	980.00			
	PB122718F-001	1	66 ALUM. FLUSH MNT PST ROUND		17	285.00	285.00			
	PB154883A-001	1	265 STEEL POST FOR ROOF		222	650.00	650.00			
	PB154883C-001	1	233 STEEL POST FOR ROOF		200	605.00	605.00			
	PB154883D-001	1	221 STEEL POST FOR ROOF		188	520.00	520.00			
	PB154884A-001	3	COOLTOPPER SINGLE POST		145	2,170.00	6,510.00			
	Roofs	PB130567A-001	1	HEX SHINGLE ROOF		193	1,855.00	1,855.00		
	Signage	PB100109A-003	1	AGE SIGN 5-12 YEARS		45	675.00	675.00		
Slides	PB123331A-004	1	DOUBLE POLY SLIDE 32 DECK		119	1,200.00	1,200.00			
	PB123333A-001	1	ROLLERSLIDE 40 DECK		364	4,950.00	4,950.00			
Total Product:					21,082		\$189,637.00			

Shipping Notes: N/A

Discount per the US Communities - LSI &gt;\$80,000: 8.00% (\$15,170.96)

Discounted Product Total: \$174,466.04

Freight Charge: \$6,500.00

**Landscape Structures Total: \$180,966.04****General Terms of Sale and Proposal Summary**

This proposal is presented by


**REP SERVICES, INC.**  
 Experts at Play & Outdoor Spaces

 902 Waterway Place · Longwood, FL 32750-3573  
 407.831.9658 (P) · 407.834.5366 (F) · 800.992.5357  
 www.repsservices.com · sales@repsservices.com



Proposal No: 4607.15      Project Name: Village of Wellington-Community Center Play      Proposal Date: 8/25/2009      Page 3 of 3

Gov't & Preferred Customers: Net 30      **Product:** \$174,466.04  
With Credit Approval: 50% down, Net 30      **Freight:** \$6,500.00  
All Others: \*50% down, Balance Prior to Shipment      **Proposal Total:** \$180,966.04  
\*Note: Orders less than \$5,000 require check with order

**Notes**

LSI is a vendor on the U.S. Communities National Contract #040377. The contract discount is 8% for orders over \$80K. Installation is available under the contract. When utilizing this contract please reference the contract number on your Purchase Order.

ORDERS PLACED BASED ON THIS PROPOSAL ARE SUBJECT TO SHIP WITHIN MANUFACTURER'S STANDARD LEAD TIME. REQUESTS FOR EXTENDED SHIPPING TIMES MAY RESULT IN ADDITIONAL COSTS, SUCH AS FREIGHT INCREASES, RAW MATERIAL COST INCREASES, ETC.

BE SURE TO PLACE YOUR ORDER BEFORE THE EXPIRATION DATE SHOWN ABOVE TO SECURE THE PRICES ON THIS PROPOSAL.

When placing an order, please select colors from those shown on the back inside cover of the catalog.

WRITTEN COLOR SELECTION AND SUPPORT OPTION (DIRECT BURY, SURFACE MOUNT, OR OTHER) MUST ACCOMPANY SIGNED PROPOSAL OR PURCHASE ORDER.

This proposal is for material, freight and applicable tax only. BUILDING PERMITS AND RELATED ENGINEERING, SITE PREPARATION, UNLOADING, ASSEMBLY, INSTALLATION, AND SURFACING - BY OTHERS. (THE DRIVER WILL NOT UNLOAD THIS SHIPMENT, SO PURCHASER IS REQUIRED TO MAKE ARRANGEMENTS FOR UNLOADING.)

To order, please sign below and return to Rep Services Inc. at the address or fax number noted below. Thank You.

---

Name

Date

*This proposal is presented by*



**REP SERVICES, INC.**  
*Experts at Play & Outdoor Spaces*

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6. F

## WELLINGTON VILLAGE COUNCIL AGENDA ITEM SUMMARY

**AGENDA ITEM NAME:** Award of Construction Contract - Forest Hill Boulevard Water Main Replacement Project

**ACTION REQUESTED:** Discussion ☐ Approval ☒

**BUDGET AMENDMENT REQUIRED:** Yes ☒ No ☐ See Below ☐

**PUBLIC HEARING:** Yes ☐ No ☒

**FIRST READING** ☐

**SECOND READING** ☐

**REQUEST:** Approval of Award of Contract to Centerline Utilities, Inc. of Jupiter, Florida in the amount of \$754,907.50 for the replacement of 7,900 linear feet of water main and related appurtenances along the west edge of Forest Hill Boulevard between Guilford Drive and South Shore Boulevard.

**EXPLANATION:** This reach of existing asbestos cement water main has reached the end of its useful life and needs to be replaced. The projected completion date of this project is March 1, 2010. In order to reduce costs, this project is being coordinated with the Forest Hill Boulevard Improvement project slated to begin in early FY09-10. The Village received 15 bids for this project. Bid documents provided for a Base Bid and an Alternate. The base Bid allowed for work to be performed between the hours of 7AM and 4PM Monday through Friday. The Alternate restricted hours of work are between 9AM and 3PM Monday through Friday. There are no other differences. As per the bid documents, the Village can award the project using either the Base Bid price or the sum of the Base Bid Price plus the Alternate price. In an effort to mitigate disruption to Village residents and manage risks associated with extended work hours, we recommend award of this contract based on the Base Bid plus Alternate approach. Centerline Utilities, Inc. submitted the lowest, responsive and responsible bid for this project thus using the Base Bid plus Alternate approach.

**FISCAL IMPACT:**

Costs for the project are as follows:

Construction	754,907.50
Contingency	<u>37,745.50</u>
Total	\$ 792,653.00

The project will require a budget amendment that reallocates funds from completed utility projects that include:

RO Plant Phase I	\$ 396,000.00
------------------	---------------

<u>System Transmission Lines</u>	<u>396,653.00</u>
Total	\$ 792,653.00

The requisite budget amendment is attached.

**RECOMMENDATION:** Staff recommends awarding the Forest Hill Boulevard Water Main Replacement Project to Centerline Utilities, Inc. in the amount of \$754,907.50, and approval of the attached budget amendment.



William Riebe, P.E.  
Utilities Engineer  
Village of Wellington  
14000 Greenbriar Blvd.  
Wellington, FL 33414

ARCADIS RMA, Inc.  
2081 Vista Parkway  
West Palm Beach  
Florida 33411  
Tel 561.697.7000  
Fax 561.697.7751  
[www.arcadis-us.com](http://www.arcadis-us.com)

Subject:  
Village of Wellington  
Forest Hill Boulevard Water Main Replacement

#### WATER RESOURCES

Dear Mr. Riebe:

Date:  
September 1, 2009

On August 25, 2009 fifteen (15) bids were received and opened on the above referenced project. The bid documents made provisions for a Base Bid and a Base Bid plus Alternate Working Hours. The alternate option was incorporated as a means to allow the Village to restrict the working hours of the contractor to 9:00 am to 3:00 pm should this be desired. A summary of the bid results, listing the Base Bid and Base Bid plus Alternate Working Hours, are as follows.

Contact:  
William D. Reese, PE

Phone:  
561.697.7064

Email:  
[Breese@arcadis-us.com](mailto:Breese@arcadis-us.com)

Our ref:  
WF196000.0000

<u>Bidder</u>	<u>Base Bid</u>	<u>Alternate Hours</u>
H and D Construction Co., Inc.	\$714,648.25	\$771,048.25
Centerline Utilities, Inc.	\$716,397.50	\$754,907.50
Blazer Construction Industries, Inc.	\$718,901.75	\$793,901.75
H and J Contracting, Inc.	\$725,119.11	\$778,627.79
Sunline Engineering Contractors, Inc.	\$746,168.60	\$760,368.60
D. S. Eakins	\$767,419.58	\$802,419.50
Master Excavators, Inc.	\$815,410.00	\$847,035.00
GMI Contracting, Inc.	\$838,498.00	\$938,498.00
Danella Utility Construction, Inc.	\$859,987.00	\$883,129.00
B and B Underground Contractors, Inc.	\$939,757.50	\$961,757.50

#### Florida License Numbers

Engineering  
EB00004757

Imagine the result

g:\projects\wrlwf projects\196000-vow foresthill wm\docs\083109 recommendation.doc

**ARCADIS** RMA

William Riebe, P.E.  
September 1, 2009

American Engineering and Development Corp.	\$963,753.50	\$1,031,888.50
Foster Marine Contractors, Inc.	\$1,061,267.50	\$1,154,267.50
Metro Equipment Service, Inc.	\$1,068,425.60	\$1,279,952.60
Lanzo Construction Co., Florida	\$1,077,289.30	\$1,122,289.30
Giannetti Contracting Corporation	\$1,237,136.50	\$1,319,636.50

Please note, the bid for D S Eakins above shows the corrected amount. A scribner's error which resulted in a math error was found in their original bid.

Based on the above we completed an evaluation of the low bidder for the Base Bid and Base Bid plus Alternate Working Hours, H and D Construction Co., Inc and Centerline Utilities, Inc., respectively.

To determine suitable qualifications of the bidders we have reviewed the bid document criteria and compared their qualifications to these criteria. The bid document criteria should be reviewed in detail but for convenience is summarized below.

1. The Contractor shall have been in the General Contracting or Underground Utility and Excavation Contracting business for a minimum of 5 years
2. The Contractor shall be licensed to perform work in the State of Florida and Palm Beach County
3. Have performed as General Contractor or Underground Utility and Excavation Contractor on minimum of five similar projects during the previous five years. Similar shall mean installation or construction of water or wastewater mains having a minimum value of \$1,000,000.
4. During the lifetime of the organization, as named, not have defaulted to a bonding company for any projects referenced in item 3, above.

It is noted that the bid documents allow for the Owner to waive portions, or all, of the above criteria at its sole discretion.

Attached are the responses from the low Base Bidder as well as the actual data sheet used to interview references. The following observations are relevant.

ARCADIS RMA

William Riebe, P.E.  
September 1, 2009

1. H and D Construction Co., Inc appears to meet the minimum five years experience requirement.
2. H and D Construction Co., Inc. is a Florida licensed General Contractor and a Florida licensed Underground Utility and Excavation Contractor. However, H and D Construction Co, Inc. does not currently hold a license to perform work in Palm Beach County. They have indicated that if awarded to them, this license would be attained prior to execution.
3. H and D Construction Co., Inc. appears to meet the qualifications for completed projects in the water and wastewater field. H and D Construction Co., Inc. submitted six qualifying projects. We have spoken with four references on five of the projects. To date we were able to confirm five of the qualifying projects, four of which exceeded the minimum \$1,000,000 project value and one of which was in excess of \$900,000 but not the required \$1,000,000. Of the five confirmed projects H and D Construction Co., Inc. received an average rating of 2.54 out of 3. Four would hire again for similar projects, one issued a maybe based on their ability to resolve "certain" issues before using them again. No clarification was given for what the issues were.
4. H and D Construction Co., Inc. does not appear to have defaulted to a bonding company on the qualifying projects referenced in Item 3 above.

Attached are the responses from the low Base Bid plus Alternate Working Hours bidder as well as the actual data sheet used to interview references. The qualifications for the Base Bid plus Alternate Working Hours bidder were the same as the Base Bid. The following observations are relevant.

1. Centerline Utilities, Inc. appears to meet the minimum five years experience requirement.
2. Centerline Utilities, Inc. is a Florida licensed Underground Utility and Excavation Contractor and currently holds a license to perform work in Palm Beach County.
3. Centerline Utilities, Inc. appears to meet the qualifications for completed projects in the water and wastewater field. Centerline Utilities, Inc. submitted five qualifying projects. We have spoken with three references on four of the projects. To date we were able to confirm four of the qualifying projects all of which exceeded the minimum \$1,000,000 project value. Of the four

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3/4

ARCADIS RMA

William Riebe, P.E.  
September 1, 2009

confirmed projects Centerline Utilities, Inc. received an average rating of 2.75 out of 3. All would hire again for similar projects.

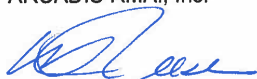
4. Centerline Utilities, Inc. does not appear to have defaulted to a bonding company on the qualifying projects referenced in Item 3 above.

Based on our analysis to date the low bidders, H and D Construction Co., Inc. and Centerline Utilities, Inc. appear to satisfy specification qualifications criteria. Both contractors received better than average ratings from previous Owners and Engineers. Therefore, we recommend award of the Base Bid to H and D Construction Co., Inc. in the amount of \$714,648.25 or the award of the Base Bid plus Alternate Working Hours to Centerline Utilities, Inc. in the amount of \$754,907.50, depending on whether the Village elects to restrict working hours.

Should you have any questions or wish to discuss further, please call

Sincerely,

ARCADIS RMA., Inc.



William D. Reese, P.E.  
Vice President

Copies:  
File

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**MEMORANDUM**

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**DATE:** SEPTEMBER 1, 2009  
**TO:** JIM VOLKMAN  
**FROM:** BILL RIEBE  
**CC:** PAUL SCHOFIELD, JOHN BONDE, JIM BARNES, FRANCINE RAMAGLIA,  
MIREYA MCILVEEN, DANIELLE ZEMBRUSKI, CHRISTINE RAPPOLT, MILENA  
**RE:** FOREST HILL BLVD WATE MAIN REPLACEMENT PROJECT –  
RECOMMENDATION OF AWARD

We have reviewed the bids and qualifications submitted for the Forest Hill Water Main Replacement Project and recommend award of this project to Centerline Utilities, Inc. in the amount of \$754,907.50. The budget for the construction of this project is \$1,300,000. A copy of the letter from Arcadis detailing the analysis of the bidders is attached for your records.

Centerline Utilities, Inc. submitted the lowest, responsive and responsible bid for the Base Bid plus Alternate. As you know, the Village bid this project using a Base Bid and an Alternate. We can award this project using either the Base Bid price or the Base Bid plus Alternate price. The difference between the two approaches is related to allowable work hours each day. The Base Bid allows work to be performed between the hours of 7AM and 4PM Monday through Friday (9 hours per day). The Base Bid plus Alternate approach restricts working hours between 9AM and 3PM Monday through Friday (6 hours per day). The Base Bid plus Alternate approach is \$40,259.25 more costly (5.6%) than the Base Bid approach due to the restricted hours of work.

Even though more expensive, it is my recommendation to award using the Base Bid plus Alternate approach in order to minimize disruption to Village residents during the course of the project and to manage risks associated with extended work hours. The Village Manager concurs with this recommendation.

Please issue the Intent to Award to all bidders today if possible, so that we can work through the protest period and address any concerns in preparation for Council consideration on September 15, 2009.





PROJECT FUNDING SCHEDULE									
Expenditures (in 000's)	Total Est Cost	Prior Yrs Funding	Project Expenditures	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	Future
Planning & Studies	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Design & Permitting	\$ 77,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Site Costs	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Construction/Improvements	\$ 1,300,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Equipment & Materials	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Landscaping	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Other Direct Costs	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total</b>	<b>\$ 1,377,000.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

PROJECT ACCOUNT: 301-2021-539.65-20

Funding Sources (in 000's)	Total Est Cost	Prior Yrs Funding	Project Expenditures	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	Future
Utility Enterprise	\$ 1,377,000.00	\$ -	\$ -	\$ 77,000.00	\$ 1,300,000.00	\$ -	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total</b>	<b>\$ 1,377,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 77,000.00</b>	<b>\$ 1,300,000.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

OPERATING IMPACT									
Annual Increase/Decrease:								Total Annual Impact	
Personnel	\$ -	# FTEs	\$ -		Revenues	\$ -			
Other Services	\$ -	Utilities	\$ -		Cost Reductions	\$ -		\$ -	

**Village of Wellington****Budget Amendment # 2009-088****Forest Hill Water Main Replacement Project**

The following budget amendment is requested to reallocate the remaining budget from completed utility capital projects to fund the water main replacement project:

<b>Sources of Funds</b>			
	<b>Project</b>	<b>Revenues</b>	<b>Expenses</b>
<b>Water &amp; Wastewater Fund</b>	5.4 MGD RO Plant Phase I		(\$396,000)
	System Transmission Lines - Pierson to Storage 1		(\$396,653)
	FHB Water Main Replacement		\$792,653
	<b>Net Amendment</b>	<b>\$0</b>	<b>\$0</b>

7. A

**WELLINGTON VILLAGE COUNCIL  
AGENDA ITEM SUMMARY****AGENDA ITEM NAME:** First Budget Hearing Proposed Fiscal Year 2009/2010**ACTION REQUESTED:** Discussion ☒ Approval ☒**BUDGET AMENDMENT  
REQUIRED:** Yes ☐ No ☒ See Below ☐**PUBLIC HEARING:** Yes ☒ No ☐**FIRST READING** ☒**SECOND READING** ☐

**REQUEST:** Staff recommends Council approve the proposed fiscal year 2009/2010 Operating and Capital budget. This is the First Public Hearing on the proposed fiscal year 2009/2010 budget and the corresponding ad valorem millage rate in accordance with the Village of Wellington Charter and FS Section 200.065. The Second Public Hearing and Adoption will be held on September 29, 2009.

**EXPLANATION:** FS Section 200.065 sets forth the procedure to be followed by each local government in adoption of the annual property tax millage, levy, and budget. In accordance with these regulations, the July 1, 2009 certified total taxable value of \$6.08 billion is used in the calculation for the FY 2009/2010 budget. The proposed millage for FY 2009/2010 of 2.50 mills is below the rollback rate of 2.80 mills and the preliminary TRIM rate adopted on July 14<sup>th</sup>, 2009. The millage rate generates property tax revenues of \$14,435,635 million. This is an overall decrease of \$1.6 million from FY 2009 property tax revenues.

The proposed budget reduces total expenditures from \$103 million in FY 2009 to **\$83 million** in FY 2010 while investing in Public Safety and Capital Infrastructure. Budget reductions include:

- Eliminating School Challenge Grants
- Reducing the frequency of some landscape maintenance
- No pay increases for employees
- Implementing the 4 day work week & unpaid furloughs
- A net workforce reduction of 16 positions

Village Council has had budget workshops to discuss the proposed budget in detail, and adopted the annual budgets for ACME, including Water & Wastewater, Surface Water Management, and Solid Waste funds on August 25, 2009.

Staff presents a balanced budget for governmental funds, excluding Acme \$59,014,280. This budget includes the following:

- Maintaining reserves at 25-29% in operating funds per Council policy
- Maintains hurricane reserve fund of \$3 million
- Maintains rate stabilization account of \$2.3 million to offset anticipated future millage increases
- All revisions to the preliminary budget presented at the June 25 workshop as requested by Council. This includes capital projects for Boy & Girls Club relocation and WCC Improvements.
- Use of Operating reserves in Building and recreation funds as well as the use accumulated capital funds

A required a legal advertisement will be placed in local newspapers before the Second Budget Hearing. On September 29, 2009, the final budget and ad valorem millage rate will be adopted.

**FISCAL IMPACT:** At 2.50 mills, \$14.4 million of property tax revenues are generated, as adjusted for discounts. The proposed rate is 11% lower than the preliminary TRIM rate of 2.80 mills, which would reduce average resident tax bill by \$48. The budget appropriates a total of \$59.0 million for the Village of Wellington governmental funds (excluding ACME).

**RECOMMENDATION:** Staff recommends a motion following the second Public Hearing on September 29<sup>th</sup> to approve the Fiscal Year 2009/2010 budget as presented.

## FY 2010 GOVERNMENTAL BUDGET EXCLUDING SURFACE WATER MANAGEMENT

	<u>Adopted FY 2009</u>	<u>Proposed FY 2010</u>	<u>Change From Prior Year</u>	<u>% Change</u>
General Fund	\$23,032,558	\$27,023,384	\$3,990,826	17.3%
Special Revenue Funds	12,084,237	6,664,981	(\$5,419,256)	-44.8%
Capital Projects Funds	6,559,823	10,770,029	\$4,210,206	64.2%
Debt Service	2,153,700	2,149,600	(\$4,100)	-0.2%
<b>TOTAL GOVERNMENTAL BUDGET</b>	<b>\$43,830,318</b>	<b>\$46,607,994</b>	<b>\$2,777,676</b>	<b>6.3%</b>
Transfers	24,940,026	12,406,286	(12,533,740)	-50.3%
<b>TOTAL BUDGET</b>	<b>\$68,770,344</b>	<b>\$59,014,280</b>	<b>(\$9,756,064)</b>	<b>-14.2%</b>

*Notes: Excludes increase/decrease to reserves  
Excludes Surface Water Management adopted 8/25/09*

## FY 2010 TOTAL BUDGET

### Overview

All Funds (including transfers):  
\$82.9 million, a reduction of \$19.6 million (19.1%)

#### Operating Budget:

- Governmental funds - \$36.0 million, down \$1.1 million or 2.9%
- Enterprise funds - \$11.4 million, down \$532,000 or 4.5%

#### Capital Budget:

- Governmental capital projects - \$10.8 million, up \$4.2 million of which \$3.5 million is grants and deferred revenue
- Utility capital projects - \$3.1 million, down \$8.8 million; no new construction in 2010—all projects are R & R programs

	<u>Adopted FY 2009</u>	<u>Proposed FY 2010</u>	<u>Change From Prior Year</u>	<u>% Change</u>
General Fund	\$23,032,558	\$27,023,384	\$3,990,826	17.3%
Surface Water Management	1,963,746	2,392,649	\$428,903	21.8%
Special Revenue Funds	12,171,157	6,664,981	(\$5,506,176)	-45.2%
Capital Projects Funds	6,559,823	10,770,029	\$4,210,206	64.2%
Debt Service	2,153,700	2,149,600	(\$4,100)	-0.2%
<b>TOTAL GOVERNMENTAL BUDGET</b>	<b>\$45,880,984</b>	<b>\$49,000,643</b>	<b>\$3,119,659</b>	<b>6.8%</b>
Enterprise Funds	23,789,307	14,471,967	(9,317,340)	-39.2%
Debt Service	2,946,100	2,921,100	(25,000)	-0.8%
<b>TOTAL ENTERPRISE BUDGET</b>	<b>\$26,735,407</b>	<b>\$17,393,067</b>	<b>(\$9,342,340)</b>	<b>-34.9%</b>
<b>TOTAL VILLAGE EXCL TRANSFERS</b>	<b>\$72,616,391</b>	<b>\$66,393,710</b>	<b>(\$6,222,681)</b>	<b>-8.6%</b>
Transfers	29,899,887	16,510,984	(13,388,903)	-44.8%
<b>TOTAL BUDGET</b>	<b>\$102,516,278</b>	<b>\$82,904,694</b>	<b>(\$19,611,584)</b>	<b>-19.1%</b>

*Note: Excludes increase/decrease to reserves*

## FY 2010 TRIM INFORMATION

Some changes to TRIM rate calculations are effective for FY 2010 and thereafter. The maximum millage requirements are as follows:

1. By Majority Vote

Taxing authorities may levy a maximum millage equal to a rolled-back rate calculated using the prior year taxes that would have been levied if the maximum majority vote millage rate had been adopted. HOWEVER, if a higher rate was adopted, the rolled-back rate would be based on the adopted rate. This millage rate is then adjusted for the change in per capita Florida personal income (2.5% for 2009-2010) to calculate the current year's maximum majority vote millage.

The above adjustments to the rolled-back rate are only for determining the maximum millage. They do not affect the rolled-back rate used for TRIM purposes.

2. By Two-Thirds Vote

Taxing authorities may levy a millage not more than 110% of the majority vote maximum millage rate.

3. By a Unanimous Vote or a Referendum

Taxing authorities may levy any millage not more than their constitutional or statutory maximum millage.

If the voting board members vote on a millage greater than allowed by the maximum millage rates, they will forfeit the distribution of the local government half cent sales tax (\$3.1 million estimated for FY 2010).

FY 2009/2010 TRIM Rates	\$6.078 Billion	
	Millage	Bgt Taxes
Rollback	2.807	\$16.0 million
Majority Maximum <sup>(1)</sup>	3.103	\$17.9 million
2/3 Vote Max <sup>(2)</sup>	3.414	\$19.7 million
Prior Year Rate	2.340	\$13.4 million
<b>Proposed Rate</b>	<b>2.500</b>	<b>\$14.4 million</b>

(1) Maximum Majority rate is the prior year maximum rate + 2.5% income growth factor

(2) 2/3 Vote Maximum rate is 110% of the Majority Maximum rate

- **Wellington property assessments total just 18.1% of the tax bill at a millage rate of 2.5 mills with a median taxable value of \$160,000**
- The 2.50 millage rate is a **11%** decrease from the rolled-back rate of 2.807 mills. The rollback rate is the rate which applied to this year's total assessed valuation, will yield the same ad valorem tax revenues, or \$16 million, as in the prior year



## CHANGES FROM LAST YEAR

### Public Safety

- Investment in Safe Neighborhoods (Increase \$1.3 million)
  - Increased nuisance abatement and code enforcement activities
  - Provide lighting & road closures in transitional neighborhoods
- Increase in Law Enforcement contract cost (Increase \$410,000)

### Capital Investment

- Capital Maintenance & Forest Hill Boulevard (Increase \$4.1 million)

### Operating Reductions

- Elimination of School Challenge Grants (Decrease \$210,000)
- Reduction in frequency of some maintenance, such as median and open space mowing

### Personnel Reductions

- No pay increases for employees; health and dental benefits reduced (Decrease \$1.1 million)
- Implementation of 4 Day Work Week, closing facilities on Fridays (Decrease \$300,000)
- Reduce workforce by 16 positions (Decrease \$800,000)
- Mandatory unpaid furlough for all employees

## CHANGES FROM PREVIOUS PRESENTATION

### Revenues (Increase \$170,100)

- Non Ad Valorem Assessments: Received Final Parcel Counts and revised estimate
- Local Communications Service Tax: Received revised estimate
- Intergovernmental – State Shared Revenues: Received revised estimates
- Miscellaneous Revenues – Utilities updated miscellaneous fees

### Operating Expenditures (Increase \$58,300)

- Reduce Solid Waste assessment contract expense due to updated contract and CPI information received 8/17
- Update benefit expenditures based on revised estimates
- Personnel and shifts / reallocations between funds (see transfers)
- Added back 4 maintenance positions from Landscape contract savings bid (no net budget impact)

### Transfers (Decrease \$322,000)

- Personnel and operating expenditure shifts / reallocations between funds

### Capital Expenditures - Utilities (Decrease \$555,000)

- Reduced Utilities Water Plant R&R budget due to updated estimate
- Increased Utilities Fixed Assets for needed replacement Jet/Vac Truck

### Debt Service Expenditures (Decrease \$9,800)

- Reduced fees based on actual

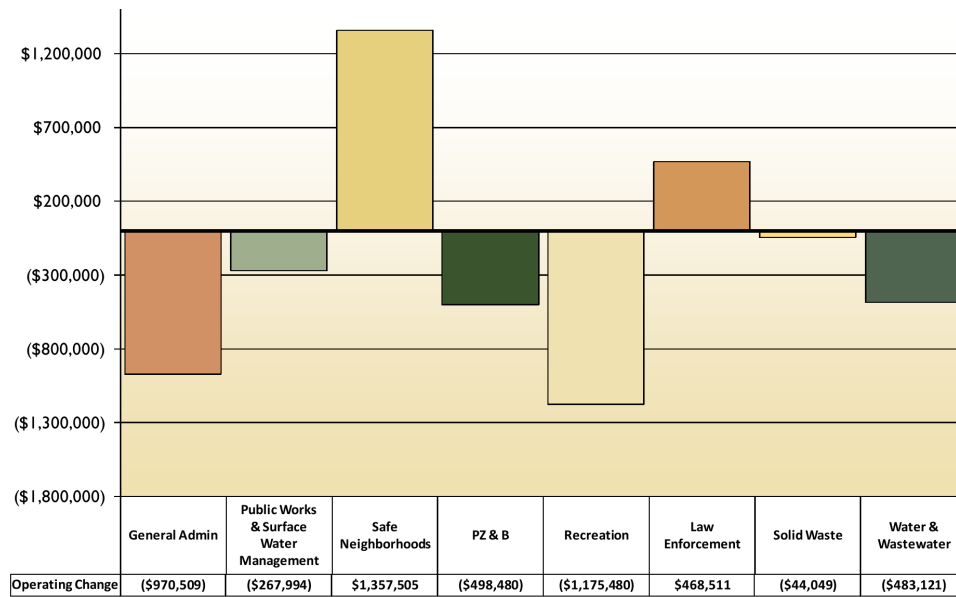
*Changes above do not impact millage rate required to balance budget*

TOTAL REVENUES				
	Adopted FY 2009	Proposed FY 2010	Change From Prior Year	% Change
Ad Valorem Taxes - 2.50 mills in 09/10	\$16,021,022	\$14,435,635	(\$1,585,387)	-9.90%
Non Ad Valorem Assessments	6,904,162	7,728,549	\$824,387	11.94%
Utility Taxes	3,145,000	3,138,000	(\$7,000)	-0.22%
Franchise Fees	3,734,200	3,600,000	(\$134,200)	-3.59%
Local Communication Service Tax	2,600,000	2,767,000	\$167,000	6.42%
Intergovernmental Revenue	6,494,000	5,378,670	(\$1,115,330)	-17.17%
Capital Grants		3,000,000	\$3,000,000	
Licenses & Permits	3,232,478	1,869,500	(\$1,362,978)	-42.17%
Charges for Services	16,039,417	15,808,275	(\$231,142)	-1.44%
Interest Income	2,994,000	2,318,000	(\$676,000)	-22.58%
Miscellaneous Revenues	695,000	1,198,607	\$503,607	72.46%
Impact Fees	618,950	250,000	(\$368,950)	-59.61%
Capacity Fees and Restricted Interest Income	525,000	35,000	(\$490,000)	-93.33%
<b>TOTAL REVENUES</b>	<b>\$63,003,229</b>	<b>\$61,527,236</b>	<b>(\$1,475,993)</b>	<b>-2.34%</b>

- Taxable value down 15% partially offset by millage at 2.5
- Increase Acme Surface Water assessment up \$29 for capital maintenance projects
- Intergovernmental revenues are down by 17% based on State estimates and include State Shared Revenue (down 11%)
- Licenses and permits – down by 42% due to reduced building activity
- Impact Fee Projections - down almost 60% from FY 2009
- Charges for services - down in governmental funds due to economic downturn, offset by increase in water/wastewater rates
- Interest income budgeted at 2.00%



## CHANGES IN OPERATING EXPENDITURES



Total Net Operating Reduction 2008/2009 to 2009/2010= (\$1,613,617)

- Largest decreases in General Administration and Recreation
- Increases in Safe Neighborhoods and Law Enforcement reflect community investment initiative
- The total operating budget funds 267 positions, or 265.2 Full-time Equivalent positions

## CAPITAL EXPENDITURES

<u>Maintenance &amp; Replacement Projects</u>	<u>09/10 Budget</u>	<u>Major Improvement Projects</u>	<u>09/10 Budget</u>
Facility Capital Maintenance	\$176,700	State Road 7 Landscaping	\$549,407
Parks Capital Maintenance	208,700	K Park Green Space/Fields	1,200,000
Village Park Playground	250,000	Sprayground Decking	150,000
Athletic Field Renovation	280,000	Forest Hill Boulevard	5,862,698
Safe Neighborhoods	250,000	<b>Total</b>	<b>\$7,762,105</b>
Pedestrian Paths & Roadway Overlay	735,000		
Shellrock Program	215,600		
Various Turn Lanes, Traffic Engineering	166,300		
Surface Water System Rehabilitation	465,375	<u>Minor Projects and Fixed Assets</u>	
Culvert Replacements	110,250	Total Projects Under \$100,000	150,000
Water System Renewal & Replacement	1,425,570	Replacement Assets	1,129,531
Wastewater System Renewal & Replacement	1,219,960	New Assets	29,700
<b>Total</b>	<b>\$5,503,455</b>	<b>Total</b>	<b>\$1,309,231</b>
<b><u>TOTAL 09/10 Capital Improvement Budget</u></b>			<b><u>\$14,574,791</u></b>

- FY 2010 Projects: \$13.4 million (\$10.8 Governmental/ \$2.6 Utilities); new and replacement assets \$1.1 million
- Projects Delayed or Eliminated: 7 projects @ \$1.7 million
- Next Five Years (FY2011 – FY 2015) : \$55 million (\$27 million governmental/ \$28 million Utilities)
- Projects Completed to date:
  - \$9.1 million in construction projects
  - \$2.7 million in capital maintenance
- Over \$84 million in projects currently in progress

**FY 2010 Proposed Budget Ad**

Revenues								
Ad Valorem Taxes	\$14,435,635				\$14,435,635		\$14,435,635	\$16,021,022
Non Ad Valorem Assessments		\$4,292,741			\$4,292,741	3,435,808	\$7,728,549	\$6,904,162
Utility Taxes	3,138,000	-			\$3,138,000		\$3,138,000	\$3,145,000
Franchise Fees	3,400,000	-			\$3,400,000	200,000	\$3,600,000	\$3,734,200
Local Communication Service Tax	2,767,000	-			\$2,767,000		\$2,767,000	\$2,600,000
Intergovernmental Revenue	3,658,000	1,042,170	3,678,500		\$8,378,670		\$8,378,670	\$6,494,000
Licenses & Permits	140,000	1,729,500			\$1,869,500		\$1,869,500	\$3,232,478
Charges for Services	60,000	1,531,100			\$1,591,100	14,217,175	\$15,808,275	\$16,039,417
Interest Income	527,000	198,000	833,000		\$1,558,000	760,000	\$2,318,000	\$2,994,000
Miscellaneous Revenues	421,700	34,000	549,407		\$1,005,107	193,500	\$1,198,607	\$695,000
Impact Fees			250,000		\$250,000		\$250,000	\$618,950
Capacity Fees and Restricted Interest Income						35,000	\$35,000	\$525,000
Proceeds from Borrowings							-	-
Total Revenues before Transfers	\$28,547,335	\$8,827,511	\$5,310,907	\$0	\$42,685,753	\$18,841,483	\$61,527,236	\$63,003,229
Transfers In	5,654,904	3,319,942	5,386,538	2,149,600	16,510,984		\$16,510,984	\$29,899,887
Fund Balances/Reserves/Net Assets		-	-	-	-		-	-
Total Revenues & Other Financing Sources	\$34,202,239	\$12,147,453	\$10,697,445	\$2,149,600	\$59,196,737	\$18,841,483	\$78,038,220	\$92,903,116
Expenditures								
General Government	\$9,179,283				\$9,179,283		\$9,179,283	\$9,086,422
Public Safety	9,555,060				\$9,555,060		\$9,555,060	\$6,972,301
Emergency Operations	29,500				\$29,500		\$29,500	\$53,000
Economic Environment	606,577				\$606,577		\$606,577	
Physical Environment	6,737,778	4,860,830			\$11,598,608	11,392,231	\$22,990,839	\$24,246,555
Transportation		1,564,981			\$1,564,981		\$1,564,981	\$1,710,360
Culture & Recreation		2,398,772			\$2,398,772		\$2,398,772	\$6,222,114
Capital Outlay	536,778	209,747	10,770,029		\$11,516,554	3,079,736	\$14,596,290	\$18,993,674
Debt Service		-		2,149,600	\$2,149,600	2,921,100	\$5,070,700	\$5,099,800
Non-departmental	378,408	23,300			\$401,708		\$401,708	\$226,120
Operating Contingency	-				\$0		\$0	\$6,045
Transfers Out	7,178,855	5,432,806	2,068,250		\$14,679,911	1,831,073	\$16,510,984	\$29,899,887
Total Expenditures	\$34,202,239	\$14,490,436	\$12,838,279	\$2,149,600	\$63,680,554	\$19,224,140	\$82,904,694	\$102,516,278
Increase/Decrease to Reserves	-	(\$2,342,983)	(\$2,140,834)		(4,483,817)	(382,657)	(4,866,474)	(\$1,213,162)
Increase/Decrease to Impact Fees/Capacity								
Fee Accounts								(\$8,400,000)
Total Expenditures & Reserves	\$34,202,239	\$12,147,453	\$10,697,445	\$2,149,600	\$59,196,737	\$18,841,483	\$78,038,220	\$92,903,116

Note: The above totals exclude any interfund transfers between the General Fund and Public Safety, Emergency Operations and Safe Neighborhood subfunds

Note: Public Safety includes Safe Neighborhoods and Emergency Operations

Note: Non Ad Valorem budgets adopted 8/25/09

7. B

**WELLINGTON VILLAGE COUNCIL  
AGENDA ITEM SUMMARY****AGENDA ITEM NAME:** ORDINANCE NO. 2009- 09 (MYSTIC EQUESTRIAN)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, AMENDING THE FUTURE LAND USE MAP IN THE VILLAGE OF WELLINGTON COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL C TO RESIDENTIAL B FOR CERTAIN PROPERTY TOTALING 4.2 ACRES, MORE OR LESS, LOCATED ALONG THE WEST SIDE OF SOUTH SHORE BOULEVARD, IMMEDIATELY NORTH OF PIERSON ROAD FOR A PROPERTY KNOWN AS MYSTIC EQUESTRIAN, AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING FOR INCLUSION OF THE PROPERTY WITHIN THE EQUESTRIAN PRESERVE AREA ON THE FUTURE LAND USE MAP; AUTHORIZING THE TRANSMITTAL OF THE AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; AUTHORIZING THE VILLAGE MANAGER TO AMEND THE FUTURE LAND USE MAP; AND PROVIDING AN EFFECTIVE DATE.

**ACTION REQUESTED:** Discussion ☐ Approval ☒**BUDGET AMENDMENT****REQUIRED:** Yes ☐ No ☒ See Below ☐**PUBLIC HEARING:** Yes ☒ No ☐**FIRST READING** ☐**SECOND READING** ☒**REQUEST:** The petitioner is requesting to change the Future Land Use Map Designation from Residential C to Residential B.**EXPLANATION:** The application is for a Small Scale Comprehensive Plan Amendment to change the Future Land Use Map Designation for a 4.2 acre property known as Mystic Equestrian (a.k.a. Pod 75 / Parcel "H" of Greenview Shores No. 2) from Residential C (2 units per acre) to Residential B (1 unit per acre).

Staff notes this application was submitted concurrently with a Rezoning (2007-005 REZ 1), Development Order Amendment (2007-005 DOA 2) and a Master Plan Amendment (2007-005 MPA 2).

**FISCAL IMPACT:** None.**RECOMMENDATION:** Staff recommends approval of Comprehensive Plan Amendment Ordinance No. 2009-09 to provide a Village of Wellington Future Land Use Designation of Residential B (1 units/per acre) and expand the Equestrian Preserve Area (EPA) for the 4.2 acre

parcel known as Mystic Equestrian (a.k.a. Pod 75 / Parcel "H" of Greenview Shores No. 2) located on the north side of Pierson Road and ½ mile west of South Shore Boulevard (13901 Pierson Road), subject to conditions of approval.

**ORDINANCE NO. 2009-09**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, AMENDING THE FUTURE LAND USE MAP IN THE VILLAGE OF WELLINGTON COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL C TO RESIDENTIAL B FOR CERTAIN PROPERTY TOTALING 4.2 ACRES, MORE OR LESS, LOCATED ALONG THE WEST SIDE OF SOUTH SHORE BOULEVARD, IMMEDIATELY NORTH OF PIERSON ROAD FOR A PROPERTY KNOWN AS MYSTIC EQUESTRIAN, AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING FOR INCLUSION OF THE PROPERTY WITHIN THE EQUESTRIAN PRESERVE AREA ON THE FUTURE LAND USE MAP; AUTHORIZING THE TRANSMITTAL OF THE AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; AUTHORIZING THE VILLAGE MANAGER TO AMEND THE FUTURE LAND USE MAP; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Village Council has determined that this Future Land Use Map Amendment has complied with the requirements for Small Scale Comprehensive Plan Amendments contained in Section 163.3187(1)(c), Florida Statutes; and

**WHEREAS**, the Village Council, after notice and public hearing, voted to adopt this amendment as a Small Scale Comprehensive Plan Amendment and, therefore, has not transmitted prior to adoption this amendment to the State land planning agency for written comment; and

**WHEREAS**, on June 4, 2009, the Planning, Zoning & Adjustment Board (PZAB), sitting as the Local Planning Agency, after notice and public hearing, has considered the appropriateness of the proposed land-use designation, and has submitted its recommendation to the Village Council; and

**WHEREAS**, the notice and hearing requirements for Comprehensive Plan Amendments, as set forth in the Florida Statutes and the Village Land Development Regulations, have been satisfied; and

**WHEREAS**, the Village Council has taken the recommendations from the PZAB sitting as the Local Planning Agency, the Village staff, and the comments from the public into consideration, before taking action on the appropriateness of this Ordinance; and

**WHEREAS**, The Village Council has determined that the proposed Future Land Use Designation is consistent with the current Village of Wellington Comprehensive Plan designation of Residential B.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, THAT:**

**SECTION 1:** The foregoing recitals are hereby affirmed and ratified.

**SECTION 2:** The future land-use designation for the property legally described in Exhibit "A" is hereby amended from Residential C (maximum of 3 units per acre) to Residential B (1 unit per acre) on the Future Land Use Map in the Village of Wellington Comprehensive Plan.

**SECTION 3:** The Village of Wellington Future Land Use Map is hereby amended to expand the Equestrian Preserve Area (EPA) to include the property legally described in Exhibit "A".

**SECTION 4:** The Comprehensive Plan Amendment Application of Mystic Equestrian LLC, Owner, and David L. Carpenter and Associates, Agent, is hereby approved for real property as described in Exhibit "A," subject to the conditions of approval listed below:

1. Residential development on the property shall consist of a maximum of one single family dwelling unit.
2. The two lots shall be re-platted as one lot prior to the issuance of a building permit for residential or nonresidential structures.

**SECTION 5:** The Village Manager or designee is hereby directed to amend the Future Land Use Map in accordance with this Ordinance.

**SECTION 6:** The Village Manager or designee is hereby directed to transmit this adopted Future Land Use Map Amendment to the Florida Department of Community Affairs, Treasure Coast Regional Planning Council, and any other unit of local government or governmental agency that has filed a written request for a copy of the Comprehensive Plan or plan amendment, pursuant to Chapter 163, Florida Statutes.

**SECTION 7:** Should any section, paragraph, sentence, clause, or phrase of this Ordinance conflict with any section, paragraph, clause or phrase of any prior Village Ordinance, Resolution, or municipal Code provision, then in that event the provisions of this Ordinance shall prevail to the extent of such conflict.

**SECTION 8:** Should any section paragraph, sentence, clause, or phrase of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any portion or part thereof, other than the part to be declared invalid.

**SECTION 9:** The effective date of this comprehensive plan amendment shall be 31 days after adoption by the Village Council, if there has not been a compliance challenge with the Division of Administrative Hearings. If the ordinance is challenged within 30 days after adoption, the ordinance shall not become effective until the state land planning agency or the Administrative Commission, respectively, issues a final order determining the amendment to be in compliance.

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**PASSED** this 11<sup>th</sup> day of August 2009 upon first reading.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2009 on second and final reading.

**VILLAGE OF WELLINGTON**

	<b>FOR</b>	<b>AGAINST</b>
BY: _____ Darell Bowen, Mayor	_____	_____
_____ Dr. Carmine A. Priore, Vice Mayor	_____	_____
_____ Lizbeth Benacquisto, Councilwoman	_____	_____
_____ Matt Willhite, Councilman	_____	_____
_____ Howard K. Coates, Jr., Councilman	_____	_____

**ATTEST:**

BY: \_\_\_\_\_  
Awilda Rodriguez, Village Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

BY: \_\_\_\_\_  
Jeffrey S. Kurtz, Village Attorney



Exhibit "A"  
Legal Description

PARCEL "H", "GREENVIEW SHORES No. 2 OF WELLINGTON – (P.U.D.) ",  
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 31,  
PAGE 120-136, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY,  
FLORIDA.

CONTAINING 4.2 ACRES. MORE OR LESS



**STAFF REPORT  
VILLAGE OF WELLINGTON  
PLANNING & ZONING DIVISION**

**I. Petition Description**

**Petition No.:** 1.) Comprehensive Plan Amendment  
Petition No. 2007-005 CPA 2  
2.) Rezoning  
Petition No. 2007-005 REZ 1

**Project Name:** Mystic Equestrian

**Owner:** Mystic Equestrian LLC  
700 Briny Avenue  
Pompano Beach, FL 33062

**Agent:** David Carpenter  
David L. Carpenter & Associates, Inc  
5650 Corporate Way  
West Palm Beach, FL 33407

**Request:** The petitioner is requesting 1.) A Small Scale Comprehensive Plan Amendment to change the Future Land Use Map Designation from Residential C (3 units per acre) to Residential B (1 unit per acre) and expand the Equestrian Preserve Area (EPA) to include the Mystic Equestrian property; and 2.) A rezoning of the property to include the Equestrian Overlay Zoning District (EOZD) designation.

**Location:** The subject property is located on the north side of Pierson Road and ½ mile west of South Shore Boulevard (13901 Pierson Road). Exhibit "A" is a location map and Exhibit "B" is the legal description of the subject property.

**II. Site Data**

**Existing Use:** One Single-family home

**Proposed Uses:** One Single-family home with equestrian uses (stable/barn)

**Parcel ID:** 73-41-44-09-02-000-0081 and 73-41-44-09-02-000-0082

**Parcel Size:** 4.2 acres (two lots to be platted into one)

**Current Future  
Land Use****Designation:** Residential C (max 3 units per acre)**Proposed Future  
Land Use****Designation:** Residential B (1 unit per acre)**Existing Zoning:** Agricultural Residential (AR) / Special Exception (SE) /Planned Unit Development (PUD)**Proposed Zoning:** Agricultural Residential (AR) / Special Exception (SE) /Planned Unit Development (PUD) / Equestrian Overlay Zoning District (EOZD)**III. Land Use and Zoning****EXISTING LAND USE, FUTURE LAND USE & ZONING**

	Existing Land Use	Future Land Use	Zoning
<b>Subject site</b>	Single-family home	Residential C	Planned Unit Development (PUD)
<b>North</b>	Single-family homes	Residential C (max 3 units/acre)	Planned Unit Development (PUD)
<b>East</b>	Single-family homes	Residential C (max 3 units/acre)	Planned Unit Development (PUD)
<b>South</b>	Single-family homes/ Equestrian uses (Mallet Hill)	Residential B	Agricultural Residential / Equestrian Overlay Zoning District (AR/EOZD)
<b>West</b>	Engineering and Public Works Complex	Institutional/Public Facilities/Utilities	Planned Unit Development (PUD)

**IV. Site History**

The subject site is a 4.2 acre property known as Mystic Equestrian (a.k.a. Pod 75 / Parcel "H" of Greenview Shores No. 2)

The Wellington Master Plan approved in the 1970's designated the site as Single Family (SF). In 1974 the Master Plan was amended to designated the site as Utility and later in 1986 was designated Patio Home (PH). The property was re-designated back to` Single Family (SF) in 1989.

The property owner, Michael D. Schultz requested a Development Order Amendment (DOA) to modify the Wellington Master Plan to change from SF to Rail Fence Estate (R) to provide a private stable and the ability to lease stalls for up to four horses. The DOA was required because this property is not within the Equestrian Overlay Zoning District (EOZD). Resolution No. 99-26 for this DOA was approved in 1999 with a condition that a Site Plan be approved for the 6 stall stable. The Site Plan was approved by DRC on July 29, 1999 and the Building Permit was approved. The

permit was never picked up by the property owner / applicant and was voided on January 14, 2003. The Site Plan approval was also voided (expired) because the stable was never constructed. A Building Permit was later applied for in 2003 and 2004 for the stable which was previously voided by the Building Department because the Site Plan approval for the stable expired.

The Comprehensive Plan Amendment (2007-005 CPA1) to change the Future Land Use Map Designation from Residential B (1 unit per acre) to Residential C (3 units per acre) was passed by the Village Council at the April 22, 2008 meeting with Ordinance No. 2008 - 07. The petitioner had previously agreed to reduce the proposed number of lots from nine to eight.

The Development Order Amendment and Master Plan Amendment (2007-005 DOA 1 and MPA 1) to provide a density of 2.0 units per acre, add an access to Pierson Road and amend the Master Plan of the Wellington PUD was passed by the Village Council at the May 27, 2008 meeting with Resolution No. R2008-36.

On December 12, 2008 the property owner requested a Comprehensive Plan Amendment (CPA) to change the Future Land Use Map Designation from Residential C (2 units per acre) to Residential B (1 unit per acre).

On April 17, 2009 the property owner requested a rezoning to change from Agricultural Residential (AR) / Special Exception (SE) /Planned Unit Development (PUD) to Agricultural Residential (AR) / Special Exception (SE) /Planned Unit Development (PUD) / Equestrian Overlay Zoning District (EOZD).

The property owner filed a companion Development Order Amendment and Master Plan Amendment (Wellington PUD) on April 17, 2009.

#### **V. Applicable State Statutory Provisions**

Section 163.3187, Florida Statutes, states that amendments to the Village's Comprehensive Plan may not be made more than two times during a calendar year. Typically these submittal dates are March and October. However, any local government may process a comprehensive plan amendment directly related to a proposed small scale development, ten acres or less, which may be approved without regard to the statutory limits on the frequency of consideration of amendments to the local comprehensive plan. The petitioner's request is for a Village of Wellington Future Land Use designation of Residential B for a parcel of land 4.2 acres in size. Therefore, this project is deemed a small scale development. Further, Section 163.3187, Florida Statutes, states small scale amendments require only one public hearing before the Village Council, which shall be considered the adoption hearing. Lastly, Section 163.3187 states small scale developments are not subject to the requirements of S. 163.3184(3) – (6), unless the local government elects to have them subject to those requirements. Section 163.3184(3) – (6) deals with the transmittal of comprehensive plan amendments to the Department of Community Affairs, the appropriate regional planning council and water management district, the Department of Environmental Protection, the Department of State, and the Department of Transportation, and the appropriate county agency for review and comment.

#### **VI. Staff Analysis**

##### **Comprehensive Plan Amendment**

The request to convert the Future Land Use Map designation from Residential C (max 3 units per acre/ per) to Residential B (1 unit per acre) and expand the Equestrian Preserve Area (EPA) to include the Mystic Equestrian property is compatible with the surrounding land uses to the south. A decrease in the density could permit a total of 4 units on the 4.2 acre site. The EOZD requires a minimum lot size of 2 acres. The request from the property owner is only for a total of 1 unit on the 4.2 acre parcel with the current single-family home and associated equestrian uses. The property owner shall plat the existing two lots as one prior to the issuance of any development permits. The proposed 1 unit on the 4.2 acre parcel is consistent with the Comprehensive Plan criteria which "preserves and protect the distinctive characteristics of the individual communities" and will not adversely impact the existing residential properties to the north and east.

### Rezoning

The applicant has applied for a rezoning of this property to include the Equestrian Overlay Zoning District (EOZD) which is consistent with the land-use change and inclusion into the EPA. The EOZD zoning designation establishes development regulations that recognize the characteristics of equestrian uses for compliance with the Village's Comprehensive Plan. The minimum setbacks shall comply with LDR Section 6.10.6.A. Table "A" Notes 3, 4 and 5 (Saddle Trail Park).

The property is across from both the Saddle Trail Park Subdivision (Subarea "B") to the west and Mallet Hill Subdivision (Subarea "D") to the south within the EPA. The existing and proposed uses of this property are more consistent with characteristics of the properties found within Subarea "B". The EOZD requires all properties within Subarea "B" to have no more than four stalls per acre whereas subarea "D" does not have a specific limitation on stalls per acre. The proposed 4.2 acres shall have a maximum of one stable with 17 stalls. This property shall be consistent with Subarea "B" of the EOZD for development standards for principal and accessory uses.

The LDR Section 6.10.12.D. Table "E" (Supplemental Regulation for Barns & Stables on Residential Lots) requires DRC site plan approval for lots greater than 5 acres. A site plan for stable approval shall be required from the DRC for the Mystic Equestrian property to preserve and protect the adjacent residential properties not in the EOZD. The equestrian facilities/amenities shall be restricted to the southwest portion of the property and screened from the adjacent residential uses. The use of tents as temporary stalls shall comply with LDR Section 6.10.9.D. Temporary tents for stalls shall be in conjunction with the construction of a permanent barn/stable.

The request for land use change, inclusion within the EPA and rezoning to include EOZD are compatible with the Village's Comprehensive Plan Equestrian Preservation Element to ensure the preservation and protection of the neighborhoods which comprise this area, the equestrian industry and the rural lifestyles which exist in the Equestrian Preserve.

The adoption of an ordinance to make a site specific amendment shall be based on one or more factors detailed in Exhibit's "C" and "D", and the demonstrated need to amend the Future Land Use Map, as supported by text in the Comprehensive Plan to maintain consistency. Staff has concluded this request is consistent with the Comprehensive Plan as provided in Exhibit "C" and the Land Development Regulations (LDR) that apply.

## **VII. Development Review Committee (DRC)**

The DRC certified the Comprehensive Plan Amendment (2007-005 CPA 2) at the March 11, 2009 meeting and the Rezoning (2007-005 REZ 1) at the May 13, 2009 meeting.

**VIII. Equestrian Preserve Committee (EPC)**

This petition was postponed at the May 13, 2009 EPC meeting due to lack of quorum until the June 10, 2009 meeting. At the EPC meeting of June 10, 2009, the Committee recommended approval of the Comprehensive Plan Amendment (2007-005 CPA 2) and Rezoning (2007-005 REZ 1) with staff recommendations.

**IX. Public Notification and Public Hearings****Planning Zoning and Adjustment Board (PZAB):**

Mailings	June 17, 2009
Newspaper Advertisement	June 17, 2009
Posted Signs	June 17, 2009
PZAB Hearing	July 2, 2009

Staff did not receive any phone calls or inquires regarding the mailing, newspaper advertisement or posted signs for the Mystic Equestrian petitions (Development Order Amendment, Master Plan Amendment, Development Order Amendment and Master Plan Amendment).

The petitioner mailed a private invitation on June 22, 2009 to the abutting homeowners inviting them to a meeting on the proposed changes to this project. The petitioner had the meeting on July 1, 2009 and only one homeowner attended. Staff was not present at this meeting. The petitioner notified staff the homeowner voiced concern of possible noise and location of groom's quarters. After the meeting staff received no phone calls from homeowner(s) concerning this project.

**Village Council (First Reading Comprehensive Plan Amendment):**

Mailings	July 27, 2009
Newspaper Advertisement	July 27, 2009
Posted Signs	July 27, 2009
Village Council Meeting	August 11, 2009

Staff did not receive any phone calls or inquires regarding the mailing, newspaper advertisement or posted signs for this petition.

**Village Council (Second Reading Comprehensive Plan Amendment and First Reading Rezoning):**

Mailings	August 28, 2009
Newspaper Advertisement	August 28, 2009
Posted Signs	August 28, 2009
Village Council Meeting	September 15, 2009

Staff has not received any phone calls or inquires regarding the mailing, newspaper advertisement or posted signs for the Comprehensive Plan Amendment or Rezoning petitions.

**X. Planning, Zoning and Adjustment Board Action**

The Comprehensive Plan Amendment (Petition No. 2007-005 CPA 2 / Ordinance No. 2009-09) and Rezoning (Petition No. 2007-005 REZ 1 / Ordinance No. 2009-10) were approved at the July 2, 2009 PZAB meeting per staff recommendation.

At the July 2, 2009 PZAB meeting a homeowner voiced concerns of possible noise and location of groom's quarters. The PZAB recommended staff add a condition to the Mystic Equestrian project (rezoning petition) in response to the resident's concern of the location of groom's quarters. A condition to locate groom's quarter facilities a minimum of 200 feet from the north and east property lines and screened from adjacent residential uses will be provided on the rezoning petition.

#### **XI. Village Council Action**

The Small Scale Comprehensive Plan Amendment (first reading) was approved at the August 11, 2009 Village Council meeting.

#### **XII. Staff Recommendation**

- 1.) Staff recommends approval of Comprehensive Plan Amendment 2007-005 CPA 2 (Ordinance No. 2009 – 09) to provide a Village of Wellington Future Land Use Designation of Residential B (1 units/per acre) and expand the Equestrian Preserve Area (EPA) for the 4.2 acre parcel known as Mystic Equestrian (a.k.a. Pod 75 / Parcel "H" of Greenview Shores No. 2) located on the north side of Pierson Road and ½ mile west of South Shore Boulevard (13901 Pierson Road), subject to the conditions of approval listed below:
  - A. Residential development on the property shall consist of a maximum of one single family dwelling unit.
  - B. The two lots shall be re-platted as one lot prior to the issuance of a Building Permit for residential or nonresidential structures.
- 2.) Staff recommends approval of Rezoning 2007-005 REZ 1 (Ordinance No. 2009 – 10) to provide a Village of Wellington zoning designation of Agricultural Residential (AR) / Special Exception (SE) / Planned Unit Development (PUD) / Equestrian Overlay Zoning District (EOZD) for the 4.2 acre parcel known as Mystic Equestrian (a.k.a. Pod 75 / Parcel "H" of Greenview Shores No. 2) located on the north side of Pierson Road and ½ mile west of South Shore Boulevard (13901 Pierson Road), subject to the conditions of approval listed below:
  - A. A Site Plan for stable approval is required from the Development Review Committee.
  - B. All stable and manure bin facilities shall be located a minimum of 200 feet from the north and east property lines and screened from adjacent residential uses.
  - C. All equestrian amenities shall be located a minimum of 50 feet from the north and east property lines and screened from the adjacent residential uses.

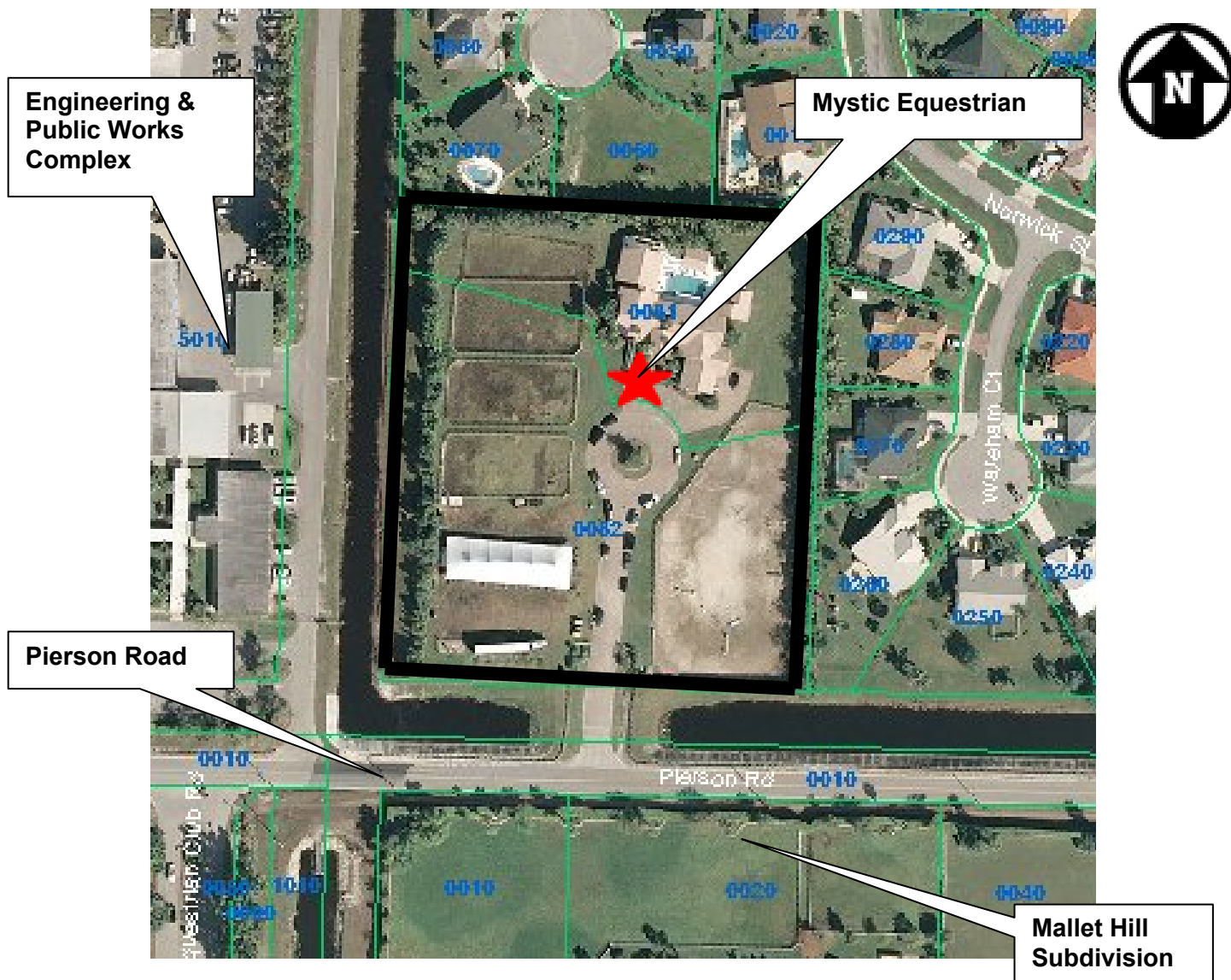
**List of Exhibits**

Exhibit "A"	Location Map
Exhibit "B"	Legal Description
Exhibit "C"	Applicable Comprehensive Plan Provisions
Exhibit "D"	Standards for Site Specific Future Land Use Map Amendment



### Exhibit "A" Location Map

### Location Map



**Exhibit "B"**  
**Legal Description**

PARCEL "H", "GREENVIEW SHORES No. 2 OF WELLINGTON – (P.U.D.) ",  
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 31,  
PAGE 120-136, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY,  
FLORIDA.

CONTAINING 4.2 ACRES. MORE OR LESS

**Exhibit “C”**  
**Applicable Comprehensive Plan Provisions**

**Land Use Element**

*Objective 1.2 – Direct future growth into areas served by urban services that have adequate capacity, as defined by the Village’s adopted level of service standards, which shall be incorporated into the Village’s Land Development Regulations within one year of the effective date of this plan and ensure that this growth is of a quality equal to or better than the existing community, discourages urban sprawl, protects environmental and archeological resources, ensures the ability of suitable land for required utility services and the density and intensity are consistent with the other Goals, Objectives and Policies contained in this plan.*

The site has potable water, sanitary sewer and trash disposal all available from the Village. Drainage is available through the existing Village of Wellington Basin “A” Master Storm Water Management System to the ACME C-23 Canal.

*Objective - 1.4 – The Village of Wellington shall develop Land Development Regulations that require future residential development shall be based on demonstrated needs for the intended housing type, be consistent and compatible with surrounding development patterns and be aesthetically compatible with existing and future development.*

The request to change the Future Land Use Map Designation from Residential C (3 units per acre) to Residential B (1 unit per acre) is consistent and compatible with the residential properties to the south. The proposed development is consistent with the Village’s Comprehensive Plan’s Land Use Element.

**Exhibit "D"**  
**Standards for Site Specific Future Land Use Map Amendment**

- (1) **Changed projections.** *"Changed projections (e.g. regarding public service needs) in the Comprehensive Plan, including but not limited to amendments that would ensure provisions of public facilities;"*

**Findings:** This request changes the Future Land Use Map Designation from Residential C (3 units per acre) to Residential B (1 unit per acre) to allow one lot for a single family home with equestrian uses (stable/barn) and will not adversely impact the Village public service.

- (2) **Changed assumptions.** *"Changed assumptions (e.g. regarding demographics trends or land availability) in the Comprehensive Plan, including but not limited to the fact that growth in the area, in terms of the development of vacant land, new development, and the availability of public services has altered the character such that the proposed amendment is now reasonable and consistent with the land use characteristics;"*

**Findings:** The changed assumptions in the Comprehensive Plan allow for changes to the land use and density. The growth, intensity, character of the area and development of adjacent residential property to the south within the Equestrian Preserve Area (EPA) warrant the change in assumption.

The EPA has experienced tremendous growth and available land for smaller residential parcel is limited. The change in land use designation and zoning would provide residential use in close proximity to equestrian services and would allow this parcel to serve the increased demand for smaller residential parcels.

- (3) **Data errors.** *"Data errors, including errors in mapping, vegetative types and natural features in the Comprehensive Plan;"*

**Findings:** There are no data errors that are being corrected by this future land use amendment.

- (4) **New issues.** *"New issues that have risen since adoption of the Comprehensive Plan;"*

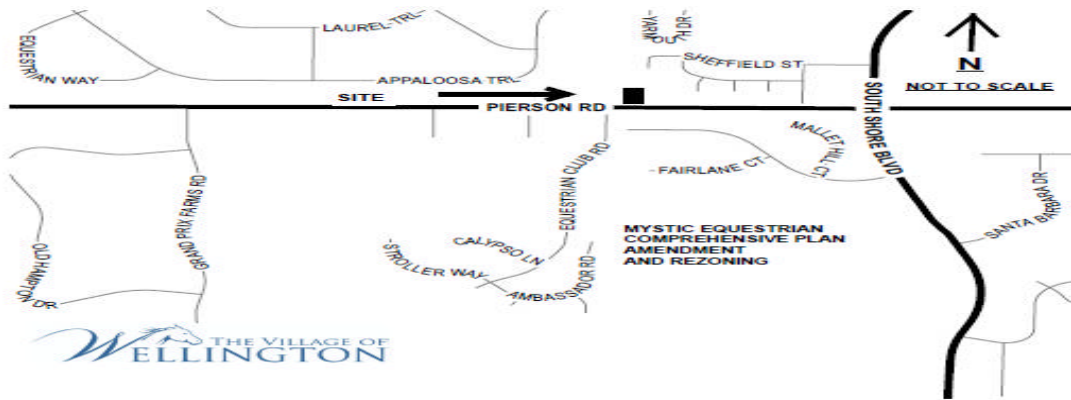
**Findings:** There are no new issues for this future land use amendment. The designation of 1 unit per acre was applied to this site in the 1970's and was changed in 2008 to allow a maximum of 2 units per acre. The petitioner is requesting to revert back to the previous 1 unit per acre. The location of this property across from Palm Beach International Equestrian Centre makes it a desirable site for equestrian uses. The land use designation of Residential "B", inclusion within the EPA and rezoning to include EOZD is consistent with the characteristics of the area.

- (5) **Additional detail or comprehensiveness.** *"Recognition of a need for additional detail or comprehensiveness in the Comprehensive Plan;"*

**Findings:** No additional detail or comprehensiveness in the Comprehensive Plan is addressed by this future land use amendment.

- (6) **Data updates.** *"Data updates."*

**Findings:** No data updates



### **VILLAGE OF WELLINGTON NOTICE OF PUBLIC HEARINGS**

In accordance with the requirements of Chapter 163, Part II, Florida Statutes, and Chapter 9J-5, Florida Administrative Code, the Village of Wellington will hold public hearing for the purpose of adopting Ordinance 2009-09 a proposed Comprehensive Plan Map Amendment for the property known as Mystic Equestrian Center.

#### **COMPREHENSIVE PLAN AMENDMENT**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, AMENDING THE FUTURE LAND USE MAP IN THE VILLAGE OF WELLINGTON COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL C TO RESIDENTIAL B FOR CERTAIN PROPERTY TOTALING 4.2 ACRES, MORE OR LESS, LOCATED ALONG THE WEST SIDE OF SOUTH SHORE BOULEVARD, IMMEDIATELY NORTH OF PIERSON ROAD FOR A PROPERTY KNOWN AS MYSTIC EQUESTRIAN, AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING FOR INCLUSION OF THE PROPERTY WITHIN THE EQUESTRIAN PRESERVE AREA ON THE FUTURE LAND USE MAP; AUTHORIZING THE TRANSMITTAL OF THE AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; AUTHORIZING THE VILLAGE MANAGER TO AMEND THE FUTURE LAND USE MAP; AND PROVIDING AN EFFECTIVE DATE.**

The Village Council of the Village of Wellington will hold a first public hearing on the proposed ordinance listed below for an official Zoning Map Amendment (Rezoning) and will consider its adoption into law.

#### **REZONING**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, AMENDING THE FUTURE LAND USE MAP IN THE VILLAGE OF WELLINGTON COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL C TO RESIDENTIAL B FOR CERTAIN PROPERTY TOTALING 4.2 ACRES, MORE OR LESS, LOCATED ALONG THE WEST SIDE OF SOUTH SHORE BOULEVARD, IMMEDIATELY NORTH OF PIERSON ROAD FOR A PROPERTY KNOWN AS MYSTIC**

**EQUESTRIAN, AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING FOR INCLUSION OF THE PROPERTY WITHIN THE EQUESTRIAN PRESERVE AREA ON THE FUTURE LAND USE MAP; AUTHORIZING THE TRANSMITTAL OF THE AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; AUTHORIZING THE VILLAGE MANAGER TO AMEND THE FUTURE LAND USE MAP; AND PROVIDING AN EFFECTIVE DATE.**

Said public hearings will be held as follows:

**VILLAGE COUNCIL**

Location: Council Chambers, 12615 Forest Hill Boulevard, Wellington, Florida.

Date: September 15, 2009 at 7:00 P.M. or as soon thereafter as may be heard in the orderly course of business. The hearing of the request may be continued from time to time as may be found necessary.

Appeals: If a person decides to appeal any decision with respect to any matter considered at such hearing, he/she will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is to be based. All appeals must be filed in accordance with the applicable provisions of the Village of Wellington Land Development Regulations.

All interested parties are invited to attend and be heard with respect to the proposed ordinances. Copies of all documents pertaining to the proposed ordinances are available in the Planning and Zoning Department at the address listed below and can be reviewed by the public on weekdays between the hours of 8:00 a.m. and 4:00 p.m.

**Planning and Zoning Department  
12794 West Forest Hill Boulevard, Suite 23  
Wellington, Florida, 33414  
(561) 753-2430**

Appeals: If a person decides to appeal any decision with respect to any matter considered at such hearing, he/she will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based. All appeals must be filed in accordance with the applicable provisions of the Village of Wellington Land Development Regulations.

Pursuant to the provisions of the Americans With Disabilities Act, any person requiring special accommodations to participate in this hearing, because of a disability or physical impairment, should contact the Village Manager's Office at (561) 791-4000 at least five calendar days prior to the Hearing.

Dated: August 28, 2009

Publish:       The Post  
                  August 31, 2009

**Note to Publisher:** Pursuant to Florida Statutes, the required advertisement shall be no less than 2 columns wide by ten inches long, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement **shall not** be placed in that portion of the newspaper where legal notices and classified advertisements appear.

7. C

**WELLINGTON VILLAGE COUNCIL  
AGENDA ITEM SUMMARY****AGENDA ITEM NAME:** ORDINANCE NO. 2009-10 (MYSTIC EQUESTRIAN)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA RELATING TO REZONING FOR PETITION NUMBER 2007-005 REZ 1, ALSO KNOWN AS MYSTIC EQUESTRIAN; PROVIDING FOR THE REZONING OF A PARCEL OF LAND, CONSISTING OF 4.2 ACRES, MORE OR LESS, WHICH IS LOCATED ALONG THE WEST SIDE OF SOUTH SHORE BOULEVARD, IMMEDIATELY NORTH OF PIERSON ROAD, AS MORE SPECIFICALLY DESCRIBED HEREIN; FROM AGRICULTURAL RESIDENTIAL (AR) / SPECIAL EXCEPTION (SE) / PLANNED UNIT DEVELOPMENT (PUD) TO AGRICULTURAL RESIDENTIAL (AR) / SPECIAL EXCEPTION (SE) / PLANNED UNIT DEVELOPMENT (PUD) / EQUESTRIAN OVERLAY ZONING DISTRICT (EOZD); PROVIDING FOR REVISIONS TO THE ZONING DISTRICT MAP; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**ACTION REQUESTED:** Discussion ☐ Approval ☒**BUDGET AMENDMENT  
REQUIRED:** Yes ☐ No ☒ See Below ☐**PUBLIC HEARING:** Yes ☒ No ☐**FIRST READING** ☒**SECOND READING** ☐**REQUEST:** The petitioner is requesting to a rezoning of the property to include the Equestrian Overlay Zoning District (EOZD) designation.**EXPLANATION:** The application is to change the zoning for a 4.2 acre property known as Mystic Equestrian (a.k.a. Pod 75 / Parcel "H" of Greenview Shores No. 2) from Agricultural Residential (AR) / Special Exception (SE) /Planned Unit Development (PUD) to Agricultural Residential (AR) / Special Exception (SE) /Planned Unit Development (PUD) / Equestrian Overlay Zoning District (EOZD).

The Equestrian Overlay Zoning District (EOZD) is consistent with the land-use change and inclusion into the EPA. The EOZD zoning designation establishes development regulations that compliance with the Village's Comprehensive Plan.

Staff notes this application was submitted concurrently with a Comprehensive Plan Amendment (2007-005 CPA 2), Development Order Amendment (2007-005 DOA 2) and a Master Plan Amendment (2007-005 MPA 2).

**FISCAL IMPACT:** None.



**RECOMMENDATION:** Staff recommends approval of Ordinance No. 2009–10 to provide a zoning designation of Agricultural Residential (AR) / Special Exception (SE) / Planned Unit Development (PUD) / Equestrian Overlay Zoning District (EOZD) for the 4.2 acre parcel known as Mystic Equestrian (a.k.a. Pod 75 / Parcel “H” of Greenview Shores No. 2) located on the north side of Pierson Road and ½ mile west of South Shore Boulevard (13901 Pierson Road), subject to conditions of approval.

**ORDINANCE NO. 2009-10**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA RELATING TO REZONING FOR PETITION NUMBER 2007-005 REZ 1, ALSO KNOWN AS MYSTIC EQUESTRIAN; PROVIDING FOR THE REZONING OF A PARCEL OF LAND, CONSISTING OF 4.2 ACRES, MORE OR LESS, WHICH IS LOCATED ALONG THE WEST SIDE OF SOUTH SHORE BOULEVARD, IMMEDIATELY NORTH OF PIERSON ROAD, AS MORE SPECIFICALLY DESCRIBED HEREIN; FROM AGRICULTURAL RESIDENTIAL (AR) / SPECIAL EXCEPTION (SE) / PLANNED UNIT DEVELOPMENT (PUD) TO AGRICULTURAL RESIDENTIAL (AR) / SPECIAL EXCEPTION (SE) / PLANNED UNIT DEVELOPMENT (PUD) / EQUESTRIAN OVERLAY ZONING DISTRICT (EOZD); PROVIDING FOR REVISIONS TO THE ZONING DISTRICT MAP; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Village Council, as the governing body of the Village of Wellington, Florida, pursuant to the authority in Chapter 163 and Chapter 166, Florida Statutes, and the Land Development Regulations, as adopted by the Village of Wellington, is authorized and empowered to consider petitions related to zoning and land development orders; and

**WHEREAS**, the Planning, Zoning and Adjustment Board, after notice and public hearing, has considered the petition of the Village of Wellington to rezone the property known as Mystic Equestrian (more particularly described in Exhibit "A" hereto) from Agricultural Residential (AR) / Special Exception (SE) / Planned Unit Development (PUD) to Agricultural Residential (AR) / Special Exception (SE) / Planned Unit Development (PUD) / Equestrian Overlay Zoning District (EOZD) and has presented its recommendation to the Village Council; and

**WHEREAS**, all the notice and hearing requirements as provided by applicable statutes and ordinances; and

**WHEREAS**, the Village Council has considered the evidence and testimony presented by the Petitioner and other interested parties and the recommendations of the various Village of Wellington review agencies and staff; and

**WHEREAS**, The Village Council has determined that the proposed rezoning is consistent with the Village of Wellington Comprehensive Plan and Land Use Designation of "Residential B".

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA that:**

**SECTION 1:** The zoning of the Mystic Equestrian property (as described in Exhibit "A") is hereby changed to Agricultural Residential (AR) / Special Exception (SE) / Planned

Unit Development (PUD) / Equestrian Overlay Zoning District (EOZD), subject to the conditions of approval listed below:

1. A Site Plan for stable approval is required from the Development Review Committee.
2. All stable and manure bin facilities shall be located a minimum of 200 feet from the north and east property lines and screened from adjacent residential uses.
3. All equestrian amenities shall be located a minimum of 50 feet from the north and east property lines and screened from the adjacent residential uses.

**SECTION 2:** Section 6.10.4 “Subareas Established” Subsection B. “Subarea B” of the Village of Wellington Land Development Regulations is amended to incorporate the Mystic Equestrian Property into that subarea as follows:

**B. Subarea B.** Subarea B, generally consisting of those portions of the Wellington PUD located in Sections 8 and 17, Township 44S, Range 41 E, including the developments known as Saddle Trail Park and Paddock Park No. 2 and Parcel “H”, Greenview Shores No. 2 of Wellington - (P.U.D.) “, according to the Plat thereof, as recorded in Plat Book 31, Page 120-136, of the Public Records of Palm Beach County, Florida.

Notes:

**SECTION 3:** Notes 3, 4, and 5 of Table “A” “Minimum Set Backs for Principal and Accessory Uses” as established in Section 6.10.6 “Development Standards” of the Village of Wellington’s Land Development Regulations, are amended to establish set back regulations for the Mystic Equestrian Property as follows:

Notes:

...

- (3) Setback for Paddock Park I and II, ~~and~~ Saddle Trail Park, and Mystic Equestrian (Ordinance 2009-10)
- (4) Setback for barns in Paddock Park I and II, ~~and~~ Saddle Trail Park and Mystic Equestrian (Ordinance 2009-10)
- (5) Set back for dwellings in Paddock Park I and II, ~~and~~ Saddle Trail Park and Mystic Equestrian (Ordinance 2009-10)

**SECTION 4:** The Village Manager is hereby authorized and directed to make appropriate changes on the zoning district map of the Village to effectuate the purpose of this Ordinance.

**SECTION 5:** Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or any part thereof other than the part to be declared invalid.

**SECTION 6:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 7:** This Ordinance shall take effect immediately upon adoption.

(The remainder of this page left intentionally blank)

**PASSED** this \_\_\_\_ day of \_\_\_\_\_ 2009 upon first reading.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2009 on second and final reading.

**VILLAGE OF WELLINGTON**

	<b>FOR</b>	<b>AGAINST</b>
BY: _____ Darell Bowen, Mayor	_____	_____
_____ Dr. Carmine A. Priore, Vice Mayor	_____	_____
_____ Lizbeth Benacquisto, Councilwoman	_____	_____
_____ Matt Willhite, Councilman	_____	_____
_____ Howard K. Coates, Jr., Councilman	_____	_____

**ATTEST:**

BY: \_\_\_\_\_  
Awilda Rodriguez, Village Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

BY: \_\_\_\_\_  
Jeffrey S. Kurtz, Village Attorney

Exhibit "A"  
Legal Description

**PARCEL "H", "GREENVIEW SHORES No. 2 OF WELLINGTON – (P.U.D.) ",  
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 31,  
PAGE 120-136, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY,  
FLORIDA.**

CONTAINING 4.2 ACRES. MORE OR LESS



**STAFF REPORT  
VILLAGE OF WELLINGTON  
PLANNING & ZONING DIVISION**

**I. Petition Description**

**Petition No.:** 1.) Comprehensive Plan Amendment  
Petition No. 2007-005 CPA 2  
2.) Rezoning  
Petition No. 2007-005 REZ 1

**Project Name:** Mystic Equestrian

**Owner:** Mystic Equestrian LLC  
700 Briny Avenue  
Pompano Beach, FL 33062

**Agent:** David Carpenter  
David L. Carpenter & Associates, Inc  
5650 Corporate Way  
West Palm Beach, FL 33407

**Request:** The petitioner is requesting 1.) A Small Scale Comprehensive Plan Amendment to change the Future Land Use Map Designation from Residential C (3 units per acre) to Residential B (1 unit per acre) and expand the Equestrian Preserve Area (EPA) to include the Mystic Equestrian property; and 2.) A rezoning of the property to include the Equestrian Overlay Zoning District (EOZD) designation.

**Location:** The subject property is located on the north side of Pierson Road and ½ mile west of South Shore Boulevard (13901 Pierson Road). Exhibit "A" is a location map and Exhibit "B" is the legal description of the subject property.

**II. Site Data**

**Existing Use:** One Single-family home

**Proposed Uses:** One Single-family home with equestrian uses (stable/barn)

**Parcel ID:** 73-41-44-09-02-000-0081 and 73-41-44-09-02-000-0082

**Parcel Size:** 4.2 acres (two lots to be platted into one)

**Current Future  
Land Use****Designation:** Residential C (max 3 units per acre)**Proposed Future  
Land Use****Designation:** Residential B (1 unit per acre)**Existing Zoning:** Agricultural Residential (AR) / Special Exception (SE) /Planned Unit Development (PUD)**Proposed Zoning:** Agricultural Residential (AR) / Special Exception (SE) /Planned Unit Development (PUD) / Equestrian Overlay Zoning District (EOZD)**III. Land Use and Zoning****EXISTING LAND USE, FUTURE LAND USE & ZONING**

	Existing Land Use	Future Land Use	Zoning
<b>Subject site</b>	Single-family home	Residential C	Planned Unit Development (PUD)
<b>North</b>	Single-family homes	Residential C (max 3 units/acre)	Planned Unit Development (PUD)
<b>East</b>	Single-family homes	Residential C (max 3 units/acre)	Planned Unit Development (PUD)
<b>South</b>	Single-family homes/ Equestrian uses (Mallet Hill)	Residential B	Agricultural Residential / Equestrian Overlay Zoning District (AR/EOZD)
<b>West</b>	Engineering and Public Works Complex	Institutional/Public Facilities/Utilities	Planned Unit Development (PUD)

**IV. Site History**

The subject site is a 4.2 acre property known as Mystic Equestrian (a.k.a. Pod 75 / Parcel "H" of Greenview Shores No. 2)

The Wellington Master Plan approved in the 1970's designated the site as Single Family (SF). In 1974 the Master Plan was amended to designated the site as Utility and later in 1986 was designated Patio Home (PH). The property was re-designated back to` Single Family (SF) in 1989.

The property owner, Michael D. Schultz requested a Development Order Amendment (DOA) to modify the Wellington Master Plan to change from SF to Rail Fence Estate (R) to provide a private stable and the ability to lease stalls for up to four horses. The DOA was required because this property is not within the Equestrian Overlay Zoning District (EOZD). Resolution No. 99-26 for this DOA was approved in 1999 with a condition that a Site Plan be approved for the 6 stall stable. The



Site Plan was approved by DRC on July 29, 1999 and the Building Permit was approved. The permit was never picked up by the property owner / applicant and was voided on January 14, 2003. The Site Plan approval was also voided (expired) because the stable was never constructed. A Building Permit was later applied for in 2003 and 2004 for the stable which was previously voided by the Building Department because the Site Plan approval for the stable expired.

The Comprehensive Plan Amendment (2007-005 CPA1) to change the Future Land Use Map Designation from Residential B (1 unit per acre) to Residential C (3 units per acre) was passed by the Village Council at the April 22, 2008 meeting with Ordinance No. 2008 - 07. The petitioner had previously agreed to reduce the proposed number of lots from nine to eight.

The Development Order Amendment and Master Plan Amendment (2007-005 DOA 1 and MPA 1) to provide a density of 2.0 units per acre, add an access to Pierson Road and amend the Master Plan of the Wellington PUD was passed by the Village Council at the May 27, 2008 meeting with Resolution No. R2008-36.

On December 12, 2008 the property owner requested a Comprehensive Plan Amendment (CPA) to change the Future Land Use Map Designation from Residential C (2 units per acre) to Residential B (1 unit per acre).

On April 17, 2009 the property owner requested a rezoning to change from Agricultural Residential (AR) / Special Exception (SE) /Planned Unit Development (PUD) to Agricultural Residential (AR) / Special Exception (SE) /Planned Unit Development (PUD) / Equestrian Overlay Zoning District (EOZD).

The property owner filed a companion Development Order Amendment and Master Plan Amendment (Wellington PUD) on April 17, 2009.

#### **V. Applicable State Statutory Provisions**

Section 163.3187, Florida Statutes, states that amendments to the Village's Comprehensive Plan may not be made more than two times during a calendar year. Typically these submittal dates are March and October. However, any local government may process a comprehensive plan amendment directly related to a proposed small scale development, ten acres or less, which may be approved without regard to the statutory limits on the frequency of consideration of amendments to the local comprehensive plan. The petitioner's request is for a Village of Wellington Future Land Use designation of Residential B for a parcel of land 4.2 acres in size. Therefore, this project is deemed a small scale development. Further, Section 163.3187, Florida Statutes, states small scale amendments require only one public hearing before the Village Council, which shall be considered the adoption hearing. Lastly, Section 163.3187 states small scale developments are not subject to the requirements of S. 163.3184(3) – (6), unless the local government elects to have them subject to those requirements. Section 163.3184(3) – (6) deals with the transmittal of comprehensive plan amendments to the Department of Community Affairs, the appropriate regional planning council and water management district, the Department of Environmental Protection, the Department of State, and the Department of Transportation, and the appropriate county agency for review and comment.

## **VI. Staff Analysis**

### **Comprehensive Plan Amendment**

The request to convert the Future Land Use Map designation from Residential C (max 3 units per acre/ per) to Residential B (1 unit per acre) and expand the Equestrian Preserve Area (EPA) to include the Mystic Equestrian property is compatible with the surrounding land uses to the south. A decrease in the density could permit a total of 4 units on the 4.2 acre site. The EOZD requires a minimum lot size of 2 acres. The request from the property owner is only for a total of 1 unit on the 4.2 acre parcel with the current single-family home and associated equestrian uses. The property owner shall plat the existing two lots as one prior to the issuance of any development permits. The proposed 1 unit on the 4.2 acre parcel is consistent with the Comprehensive Plan criteria which "preserves and protect the distinctive characteristics of the individual communities" and will not adversely impact the existing residential properties to the north and east.

### **Rezoning**

The applicant has applied for a rezoning of this property to include the Equestrian Overlay Zoning District (EOZD) which is consistent with the land-use change and inclusion into the EPA. The EOZD zoning designation establishes development regulations that recognize the characteristics of equestrian uses for compliance with the Village's Comprehensive Plan. The minimum setbacks shall comply with LDR Section 6.10.6.A. Table "A" Notes 3, 4 and 5 (Saddle Trail Park).

The property is across from both the Saddle Trail Park Subdivision (Subarea "B") to the west and Mallet Hill Subdivision (Subarea "D") to the south within the EPA. The existing and proposed uses of this property are more consistent with characteristics of the properties found within Subarea "B". The EOZD requires all properties within Subarea "B" to have no more than four stalls per acre whereas subarea "D" does not have a specific limitation on stalls per acre. The proposed 4.2 acres shall have a maximum of one stable with 17 stalls. This property shall be consistent with Subarea "B" of the EOZD for development standards for principal and accessory uses.

The LDR Section 6.10.12.D. Table "E" (Supplemental Regulation for Barns & Stables on Residential Lots) requires DRC site plan approval for lots greater than 5 acres. A site plan for stable approval shall be required from the DRC for the Mystic Equestrian property to preserve and protect the adjacent residential properties not in the EOZD. The equestrian facilities/amenities shall be restricted to the southwest portion of the property and screened from the adjacent residential uses. The use of tents as temporary stalls shall comply with LDR Section 6.10.9.D. Temporary tents for stalls shall be in conjunction with the construction of a permanent barn/stable.

The request for land use change, inclusion within the EPA and rezoning to include EOZD are compatible with the Village's Comprehensive Plan Equestrian Preservation Element to ensure the preservation and protection of the neighborhoods which comprise this area, the equestrian industry and the rural lifestyles which exist in the Equestrian Preserve.

The adoption of an ordinance to make a site specific amendment shall be based on one or more factors detailed in Exhibit's "C" and "D", and the demonstrated need to amend the Future Land Use Map, as supported by text in the Comprehensive Plan to maintain consistency. Staff has concluded this request is consistent with the Comprehensive Plan as provided in Exhibit "C" and the Land Development Regulations (LDR) that apply.

**VII. Development Review Committee (DRC)**

The DRC certified the Comprehensive Plan Amendment (2007-005 CPA 2) at the March 11, 2009 meeting and the Rezoning (2007-005 REZ 1) at the May 13, 2009 meeting.

**VIII. Equestrian Preserve Committee (EPC)**

This petition was postponed at the May 13, 2009 EPC meeting due to lack of quorum until the June 10, 2009 meeting. At the EPC meeting of June 10, 2009, the Committee recommended approval of the Comprehensive Plan Amendment (2007-005 CPA 2) and Rezoning (2007-005 REZ 1) with staff recommendations.

**IX. Public Notification and Public Hearings****Planning Zoning and Adjustment Board (PZAB):**

Mailings	June 17, 2009
Newspaper Advertisement	June 17, 2009
Posted Signs	June 17, 2009
PZAB Hearing	July 2, 2009

Staff did not receive any phone calls or inquires regarding the mailing, newspaper advertisement or posted signs for the Mystic Equestrian petitions (Development Order Amendment, Master Plan Amendment, Development Order Amendment and Master Plan Amendment).

The petitioner mailed a private invitation on June 22, 2009 to the abutting homeowners inviting them to a meeting on the proposed changes to this project. The petitioner had the meeting on July 1, 2009 and only one homeowner attended. Staff was not present at this meeting. The petitioner notified staff the homeowner voiced concern of possible noise and location of groom's quarters. After the meeting staff received no phone calls from homeowner(s) concerning this project.

**Village Council (First Reading Comprehensive Plan Amendment):**

Mailings	July 27, 2009
Newspaper Advertisement	July 27, 2009
Posted Signs	July 27, 2009
Village Council Meeting	August 11, 2009

Staff did not receive any phone calls or inquires regarding the mailing, newspaper advertisement or posted signs for this petition.

**Village Council (Second Reading Comprehensive Plan Amendment and First Reading Rezoning):**

Mailings	August 28, 2009
Newspaper Advertisement	August 28, 2009
Posted Signs	August 28, 2009
Village Council Meeting	September 15, 2009

Staff has not received any phone calls or inquires regarding the mailing, newspaper advertisement or posted signs for the Comprehensive Plan Amendment or Rezoning petitions.

**X. Planning, Zoning and Adjustment Board Action**

The Comprehensive Plan Amendment (Petition No. 2007-005 CPA 2 / Ordinance No. 2009-09) and Rezoning (Petition No. 2007-005 REZ 1 / Ordinance No. 2009-10) were approved at the July 2, 2009 PZAB meeting per staff recommendation.

At the July 2, 2009 PZAB meeting a homeowner voiced concerns of possible noise and location of groom's quarters. The PZAB recommended staff add a condition to the Mystic Equestrian project (rezoning petition) in response to the resident's concern of the location of groom's quarters. A condition to locate groom's quarter facilities a minimum of 200 feet from the north and east property lines and screened from adjacent residential uses will be provided on the rezoning petition.

**XI. Village Council Action**

The Small Scale Comprehensive Plan Amendment (first reading) was approved at the August 11, 2009 Village Council meeting.

**XII. Staff Recommendation**

1.) Staff recommends approval of Comprehensive Plan Amendment 2007-005 CPA 2 (Ordinance No. 2009 – 09) to provide a Village of Wellington Future Land Use Designation of Residential B (1 units/per acre) and expand the Equestrian Preserve Area (EPA) for the 4.2 acre parcel known as Mystic Equestrian (a.k.a. Pod 75 / Parcel "H" of Greenview Shores No. 2) located on the north side of Pierson Road and ½ mile west of South Shore Boulevard (13901 Pierson Road), subject to the conditions of approval listed below:

- A. Residential development on the property shall consist of a maximum of one single family dwelling unit.
- B. The two lots shall be re-platted as one lot prior to the issuance of a Building Permit for residential or nonresidential structures.

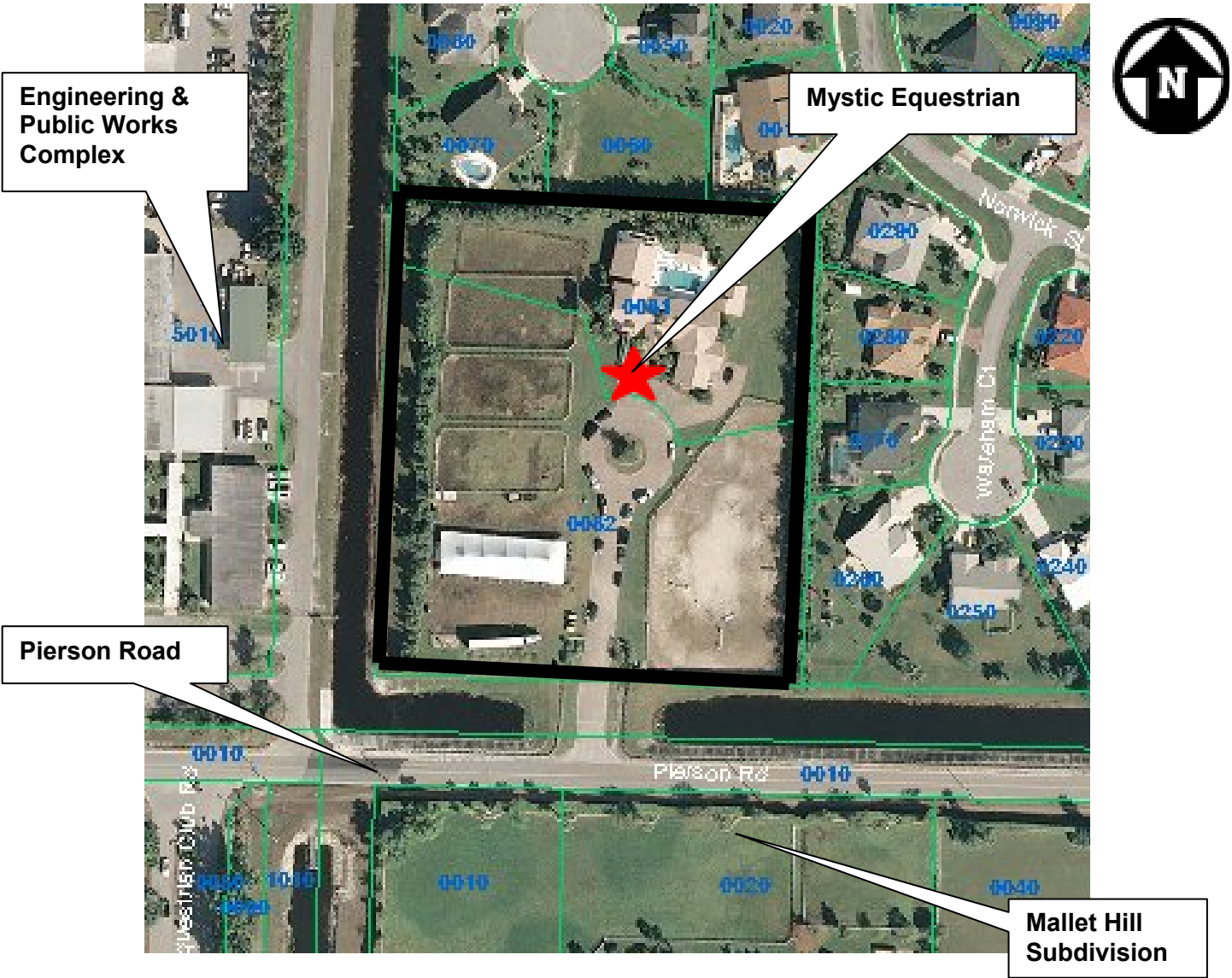
2.) Staff recommends approval of Rezoning 2007-005 REZ 1 (Ordinance No. 2009 – 10) to provide a Village of Wellington zoning designation of Agricultural Residential (AR) / Special Exception (SE) / Planned Unit Development (PUD) / Equestrian Overlay Zoning District (EOZD) for the 4.2 acre parcel known as Mystic Equestrian (a.k.a. Pod 75 / Parcel "H" of Greenview Shores No. 2) located on the north side of Pierson Road and ½ mile west of South Shore Boulevard (13901 Pierson Road), subject to the conditions of approval listed below:

- A. A Site Plan for stable approval is required from the Development Review Committee.
- B. All stable and manure bin facilities shall be located a minimum of 200 feet from the north and east property lines and screened from adjacent residential uses.
- C. All equestrian amenities shall be located a minimum of 50 feet from the north and east property lines and screened from the adjacent residential uses.

**List of Exhibits**

Exhibit "A"	Location Map
Exhibit "B"	Legal Description
Exhibit "C"	Applicable Comprehensive Plan Provisions
Exhibit "D"	Standards for Site Specific Future Land Use Map Amendment

Exhibit "A"  
Location Map



**Exhibit "B"**  
**Legal Description**

PARCEL "H", "GREENVIEW SHORES No. 2 OF WELLINGTON – (P.U.D.) ",  
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 31,  
PAGE 120-136, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY,  
FLORIDA.

CONTAINING 4.2 ACRES. MORE OR LESS

**Exhibit “C”**  
**Applicable Comprehensive Plan Provisions**

**Land Use Element**

*Objective 1.2 – Direct future growth into areas served by urban services that have adequate capacity, as defined by the Village’s adopted level of service standards, which shall be incorporated into the Village’s Land Development Regulations within one year of the effective date of this plan and ensure that this growth is of a quality equal to or better than the existing community, discourages urban sprawl, protects environmental and archeological resources, ensures the ability of suitable land for required utility services and the density and intensity are consistent with the other Goals, Objectives and Policies contained in this plan.*

The site has potable water, sanitary sewer and trash disposal all available from the Village. Drainage is available through the existing Village of Wellington Basin “A” Master Storm Water Management System to the ACME C-23 Canal.

*Objective - 1.4 – The Village of Wellington shall develop Land Development Regulations that require future residential development shall be based on demonstrated needs for the intended housing type, be consistent and compatible with surrounding development patterns and be aesthetically compatible with existing and future development.*

The request to change the Future Land Use Map Designation from Residential C (3 units per acre) to Residential B (1 unit per acre) is consistent and compatible with the residential properties to the south. The proposed development is consistent with the Village’s Comprehensive Plan’s Land Use Element.



**Exhibit “D”**  
**Standards for Site Specific Future Land Use Map Amendment**

- (1) **Changed projections.** *“Changed projections (e.g. regarding public service needs) in the Comprehensive Plan, including but not limited to amendments that would ensure provisions of public facilities;”*

**Findings:** This request changes the Future Land Use Map Designation from Residential C (3 units per acre) to Residential B (1 unit per acre) to allow one lot for a single family home with equestrian uses (stable/barn) and will not adversely impact the Village public service.

- (3) **Changed assumptions.** *“Changed assumptions (e.g. regarding demographics trends or land availability) in the Comprehensive Plan, including but not limited to the fact that growth in the area, in terms of the development of vacant land, new development, and the availability of public services has altered the character such that the proposed amendment is now reasonable and consistent with the land use characteristics;”*

**Findings:** The changed assumptions in the Comprehensive Plan allow for changes to the land use and density. The growth, intensity, character of the area and development of adjacent residential property to the south within the Equestrian Preserve Area (EPA) warrant the change in assumption.

The EPA has experienced tremendous growth and available land for smaller residential parcel is limited. The change in land use designation and zoning would provide residential use in close proximity to equestrian services and would allow this parcel to serve the increased demand for smaller residential parcels.

- (6) **Data errors.** *“Data errors, including errors in mapping, vegetative types and natural features in the Comprehensive Plan;”*

**Findings:** There are no data errors that are being corrected by this future land use amendment.

- (7) **New issues.** *“New issues that have risen since adoption of the Comprehensive Plan;”*

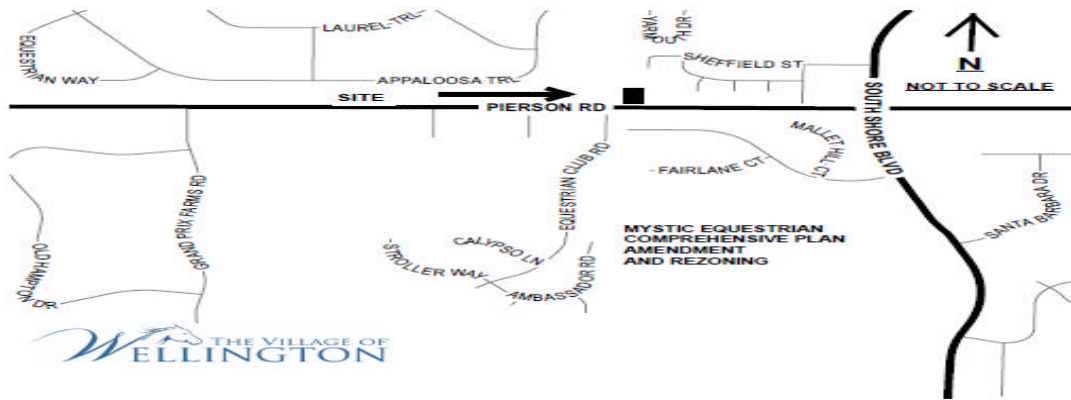
**Findings:** There are no new issues for this future land use amendment. The designation of 1 unit per acre was applied to this site in the 1970’s and was changed in 2008 to allow a maximum of 2 units per acre. The petitioner is requesting to revert back to the previous 1 unit per acre. The location of this property across from Palm Beach International Equestrian Centre makes it a desirable site for equestrian uses. The land use designation of Residential “B”, inclusion within the EPA and rezoning to include EOZD is consistent with the characteristics of the area.

- (8) **Additional detail or comprehensiveness.** *“Recognition of a need for additional detail or comprehensiveness in the Comprehensive Plan;”*

**Findings:** No additional detail or comprehensiveness in the Comprehensive Plan is addressed by this future land use amendment.

- (6) **Data updates.** *“Data updates.”*

**Findings:** No data updates



### **VILLAGE OF WELLINGTON NOTICE OF PUBLIC HEARINGS**

In accordance with the requirements of Chapter 163, Part II, Florida Statutes, and Chapter 9J-5, Florida Administrative Code, the Village of Wellington will hold public hearing for the purpose of adopting Ordinance 2009-09 a proposed Comprehensive Plan Map Amendment for the property known as Mystic Equestrian Center.

### **COMPREHENSIVE PLAN AMENDMENT**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, AMENDING THE FUTURE LAND USE MAP IN THE VILLAGE OF WELLINGTON COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION FROM RESIDENTIAL C TO RESIDENTIAL B FOR CERTAIN PROPERTY TOTALING 4.2 ACRES, MORE OR LESS, LOCATED ALONG THE WEST SIDE OF SOUTH SHORE BOULEVARD, IMMEDIATELY NORTH OF PIERSON ROAD FOR A PROPERTY KNOWN AS MYSTIC EQUESTRIAN, AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING FOR INCLUSION OF THE PROPERTY WITHIN THE EQUESTRIAN PRESERVE AREA ON THE FUTURE LAND USE MAP; AUTHORIZING THE TRANSMITTAL OF THE AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; AUTHORIZING THE VILLAGE MANAGER TO AMEND THE FUTURE LAND USE MAP; AND PROVIDING AN EFFECTIVE DATE.**

The Village Council of the Village of Wellington will hold a first public hearing on the proposed ordinance listed below for an official Zoning Map Amendment (Rezoning) and will consider its adoption into law.

### **REZONING**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, AMENDING THE FUTURE LAND USE MAP IN THE VILLAGE OF WELLINGTON COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION FROM**

**RESIDENTIAL C TO RESIDENTIAL B FOR CERTAIN PROPERTY TOTALING 4.2 ACRES, MORE OR LESS, LOCATED ALONG THE WEST SIDE OF SOUTH SHORE BOULEVARD, IMMEDIATELY NORTH OF PIERSON ROAD FOR A PROPERTY KNOWN AS MYSTIC EQUESTRIAN, AS MORE SPECIFICALLY DESCRIBED HEREIN; PROVIDING FOR INCLUSION OF THE PROPERTY WITHIN THE EQUESTRIAN PRESERVE AREA ON THE FUTURE LAND USE MAP; AUTHORIZING THE TRANSMITTAL OF THE AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; AUTHORIZING THE VILLAGE MANAGER TO AMEND THE FUTURE LAND USE MAP; AND PROVIDING AN EFFECTIVE DATE.**

Said public hearings will be held as follows:

**VILLAGE COUNCIL**

Location: Council Chambers, 12615 Forest Hill Boulevard, Wellington, Florida.

Date: September 15, 2009 at 7:00 P.M. or as soon thereafter as may be heard in the orderly course of business. The hearing of the request may be continued from time to time as may be found necessary.

Appeals: If a person decides to appeal any decision with respect to any matter considered at such hearing, he/she will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is to be based. All appeals must be filed in accordance with the applicable provisions of the Village of Wellington Land Development Regulations.

All interested parties are invited to attend and be heard with respect to the proposed ordinances. Copies of all documents pertaining to the proposed ordinances are available in the Planning and Zoning Department at the address listed below and can be reviewed by the public on weekdays between the hours of 8:00 a.m. and 4:00 p.m.

**Planning and Zoning Department  
12794 West Forest Hill Boulevard, Suite 23  
Wellington, Florida, 33414  
(561) 753-2430**

Appeals: If a person decides to appeal any decision with respect to any matter considered at such hearing, he/she will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based. All appeals must be filed in accordance with the applicable provisions of the Village of Wellington Land Development Regulations.

Pursuant to the provisions of the Americans With Disabilities Act, any person requiring special accommodations to participate in this hearing, because of a disability or physical impairment, should

contact the Village Manager's Office at (561) 791-4000 at least five calendar days prior to the Hearing.

Dated: August 28, 2009

Publish: The Post  
August 31, 2009

**Note to Publisher:** Pursuant to Florida Statutes, the required advertisement shall be no less than 2 columns wide by ten inches long, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement **shall not** be placed in that portion of the newspaper where legal notices and classified advertisements appear.

7. D

**WELLINGTON VILLAGE COUNCIL  
AGENDA ITEM SUMMARY**

**AGENDA ITEM NAME:** ORDINANCE NO. 2009-14 (WELLINGTON REGIONAL MEDICAL CENTER)

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA RELATING TO REZONING FOR PETITION NUMBER 2004-031 REZ 1, ALSO KNOWN AS WELLINGTON REGIONAL MEDICAL CENTER; PROVIDING FOR THE REZONING OF A PARCEL OF LAND, CONSISTING OF 57 ACRES, MORE OR LESS, LOCATED AT THE NORTHWEST CORNER OF STATE ROAD 7 AND FOREST HILL BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN; FROM PALM BEACH COUNTY INSTITUTIONAL PUBLIC FACILITIES (IPF) TO VILLAGE OF WELLINGTON MEDICAL CENTER PLANNED DEVELOPMENT (MCPD); PROVIDING FOR REVISIONS TO THE ZONING DISTRICT MAP; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**ACTION REQUESTED:** Discussion ☐ Approval ☒

**BUDGET AMENDMENT  
REQUIRED:** Yes ☐ No ☒ See Below ☐

**PUBLIC HEARING:** Yes ☒ No ☐

**FIRST READING** ☐

**SECOND READING** ☒

**REQUEST:** The petition establishes the initial Zoning Designation under the Village of Wellingtons Land Development Regulations (LDR's) for the Wellington Regional Medical Center. The State Growth Management Legislation requires that zoning be consistent with the Comprehensive Plan Land Use designation for all parcels within any jurisdiction. Once the Village established a Medical Commercial land use designation we were required to adopt a compatible zoning designation, hence the request for the establishment of the Medical Center Planned Development zoning district. The hospital is currently zoned Institutional Public Facilities (IPF) under Palm Beach Counties Unified Land Development Code, that zoning designation is not valid under either the Villages Comprehensive Plan or LDR's. The petitioner is seeking an initial zoning designation of Village of Wellington Medical Center Planned Development (MCPD) for the Wellington Regional Medical Center campus.

**EXPLANATION:** Staff is requesting that the 57 acre Wellington Regional Medical Center be designated as Medical Center Planned Development (MCPD) under the Villages LDR's. The proposed zoning designation as MCPD district, is consistent with the Medical Commercial Future Land Use Map designation, is required by the annexation agreement with the Village

and finally is required by Ch 163 FS. This application is being processed concurrently with a request for approval of the Wellington Regional Medical Center Master Plan.

**FISCAL IMPACT:** None.

**RECOMMENDATION:** Based on the findings and consistency with the Village of Wellington's Comprehensive Plan and Land Development Regulations, staff recommends approval of the Rezoning Ordinance No. 2009-14 to change the zoning to Medical Center Planned Development (MCPD) for the 57 acre parcel known as Wellington Regional Medical Center, located at the northwest corner of State Road 7/ US 441 and Forest Hill Boulevard.

**ORDINANCE NO. 2009-14**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA RELATING TO REZONING FOR PETITION NUMBER 2004-031 REZ 1, ALSO KNOWN AS WELLINGTON REGIONAL MEDICAL CENTER; PROVIDING FOR THE REZONING OF A PARCEL OF LAND, CONSISTING OF 57 ACRES, MORE OR LESS, LOCATED AT THE NORTHWEST CORNER OF STATE ROAD 7 AND FOREST HILL BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN; FROM PALM BEACH COUNTY INSTITUTIONAL PUBLIC FACILITIES (IPF) TO VILLAGE OF WELLINGTON MEDICAL CENTER PLANNED DEVELOPMENT (MCPD); PROVIDING FOR REVISIONS TO THE ZONING DISTRICT MAP; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Village Council, as the governing body of the Village of Wellington, Florida, pursuant to the authority in Chapter 163 and Chapter 166, Florida Statutes, and the Land Development Regulations, as adopted by the Village of Wellington, is authorized and empowered to consider petitions related to zoning and land development orders; and

**WHEREAS**, the Planning, Zoning and Adjustment Board, after notice and public hearing has considered the petition of 2004-031 REZ1, to rezone certain property from the Palm Beach County Institutional Public Facilities (IPF) to Village of Wellington Medical Center Planned Development (MCPD) and has presented its recommendation to the Village Council; and

**WHEREAS**, the notice and hearing requirements as provided in Article V of the Land Development Regulations, as adopted by the Village of Wellington, have been satisfied; and

**WHEREAS**, the Village Council has considered the evidence and testimony presented by the Petitioner and other interested parties and the recommendations of the various Village of Wellington and Palm Beach County review agencies and staff; and

**WHEREAS**, the Village Council has determined that the proposed rezoning is consistent with the current Village of Wellington Comprehensive Plan designation of Medical Commercial.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA that:**

**SECTION 1:** The zoning district designation for the Wellington Regional Medical Center property (which is legal described in Exhibit "A" and is generally located as depicted in Exhibit "B") is hereby changed from Palm Beach County Institutional Public Facilities (IPF) to Village of Wellington Medical Center Planned Development (MCPD).

**SECTION 2:** The Village Manager is hereby authorized and directed to make appropriate changes on the zoning district map of the Village to effectuate the purpose of this Ordinance.

**SECTION 3:** Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or any part thereof other than the part to be declared invalid.

**SECTION 4:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5:** This Ordinance shall take effect immediately upon adoption.

(Remainder of page intentionally left blank)



**PASSED** this 11<sup>th</sup> day of August 2009 upon first reading.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2009 on second and final reading.

**VILLAGE OF WELLINGTON**

	<b>FOR</b>	<b>AGAINST</b>
BY: _____ Darell Bowen, Mayor	_____	_____
_____	_____	_____
Dr. Carmine A. Priore, Vice Mayor	_____	_____
_____	_____	_____
Lizbeth Benacquisto, Councilwoman	_____	_____
_____	_____	_____
Matt Willhite, Councilman	_____	_____
_____	_____	_____
Howard K. Coates, Jr., Councilman	_____	_____

**ATTEST:**

BY: \_\_\_\_\_  
Awilda Rodriguez, Village Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

BY: \_\_\_\_\_  
Jeffrey S. Kurtz, Village Attorney

1  
2**Exhibit "A"**  
**Legal Description**

A parcel of land being comprised of a portion of Tract 17, all of Tracts 18 and 19, a portion of Tracts 20, 21, 22, 27, 28, and a portion of the 25 foot wide road reservation between Tracts 20 and 21, Tracts 19 and 22, Tracts 18 and 23 and Tracts 17 and 24, Block 18, Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, at Pages 45 through 54 inclusive, of the Public Records of Palm Beach County, Florida. Being more particularly described as follows:

Commencing at a Palm Beach County brass disc in concrete at the Southeast corner of Section 12, Township 44 South, Range 41 East, Palm Beach County, Florida; thence North 87°44'43" West (as a basis of bearings) along the South line of the Southeast one-quarter (SE 1/4) of said Section 12, a distance of 981.75 feet to the point of intersection with the Southerly prolongation of the West line of the East 255.91 feet (as measured at right angles) of said Tract 27; thence North 01°16'17" West along said West line, a distance of 122.12 feet to a point being on the North right-of-way line of Forest Hill Boulevard as recorded in Official Records Book 2198, Page 1200 of the Public Records of Palm Beach County, Florida, and the Point of Beginning; thence continue North 01°16'17" West along said West line, a distance of 1,138.56 feet to a point being on the centerline of the 25.00 foot wide road reservation as depicted on said plat of Palm Beach Farms Company Plat No. 3; thence South 89°00'05" West along said centerline, a distance of 1,556.17 feet to a point being on the East line of the West 26.40 feet and the southerly extension thereof of Tract 17, of said Block 18; thence North 01°31'08" East along the East line of the West 26.40 feet and the southerly extension thereof of Tract 17, of said Block 18, a distance of 672.86 feet to a point being on the North line of said Tract 17; thence North 89°00'05" East, a distance of 2,361.43 feet to a point being on the West right-of-way line of State Road Number 7 as recorded in Official Records Book 6237, Page 1443 of the Public Records of Palm Beach County, Florida, the preceding course being coincident with the North line of Tracts 17, 18, 19, and 20 of said Block 18; thence South 01°33'38" West along said West right-of-way line, a distance of 329.44 feet to the Northwest corner of the ultimate right-of-way for State Road Number 7 as recorded in Official Records Book 4415, Page 238 of the Public Records of Palm Beach County, Florida; thence continue South 01°33'38" West along the West line of said ultimate right-of-way, a distance of 685.32 feet; thence South 03°51'04" West continuing along the West line of said ultimate right-of-way, a distance of 856.70 feet to the Northerly corner of those lands as described in that certain right-of-way warranty deed as recorded in Official Records Book 6771, Page 392 of the Public Records of Palm Beach County Florida; thence South 48°58'01" West along the Westerly line of those lands as described in said right-of-way warranty deed, a distance of 56.69 feet to a point being on the North right-of-way line of Forest Hill Boulevard per that certain right-of-way warranty deed as recorded in Official Records Book 4415, Page 240 of the Public Records of Palm Beach County, Florida, and being on the arc of a circular curve to the right whose radius point bears North 04°05'00" East from said point; thence Westerly and Northerly along said North right-of-way line and the arc of said curve having a radius of 5,665.58 feet, a central angle of 02°37'35", for a distance of 259.71 feet; thence North 82°09'25" West continuing along said North right-of-way line, a distance of 400.13 feet to a point being on the North right-of-way line of Forest Hill Boulevard as recorded in Official Records Book 2198, Page 1200 of the Public Records of Palm Beach County, Florida; thence North 80°50'46" West along said North right-of-way line, a distance of 15.04 feet to the Point of Beginning.

Said lands situate, lying and being in Section 12, Township 44 South, Range 41 East, Palm Beach County, Florida.

Containing 57.30 acres more or less.

1  
2  
3

Exhibit "B"  
Location Map





**STAFF REPORT  
VILLAGE OF WELLINGTON  
PLANNING & ZONING DIVISION**

**I. PETITION DESCRIPTION**

Petition No's.: a.) Rezoning: 2004-031 REZ1  
b.) Master Plan: 2004-031 MP1

Project Name: Wellington Regional Medical Center (WRMC)

Petitioner: Universal Health Realty Income  
Wellington Regional Medical Center

Agent: Anna Cottrell & Associates, Inc.  
PO Box 19058  
West Palm Beach, FL 33416

Request: The petitioner is seeking;

- a.) An initial zoning designation of Medical Center Planned Development (MCPD) for the Wellington Regional Medical Centers 57 acre campus. This is an initial designation under the Village's Land Development Regulations (LDR's). The establishment of a Village of Wellington Zoning District that is consistent with the Comprehensive Plan Future Land Use Map Designation of Medical Commercial. and;
- b.) A Master Plan approval for the Wellington Regional Medical Center 57 acre campus amending the previously approved County master plan.

**II. SITE DATA**

Existing Use: Hospital and Medical Offices Proposed  
Proposed Use: Medical Campus  
Parcel Size: 57 acres  
Existing  
Land Use: Medical Commercial  
Existing  
Zoning District: Palm Beach County Institutional Public Facilities (IPF)  
  
Proposed  
Zoning District: Village of Wellington Medical Center Planned  
Development (MCPD)  
Parcel

Control No's.: 73-42-43-27-05-018-0171, 73-42-43-27-05-018-0201,  
73-42-43-27-05-018-0202, 73-42-43-27-05-018-0204

Location: The subject property is located at 10101 Forest Hill Boulevard, at the northwest corner of the intersection of State Road 7/ US 441 and Forest Hill Boulevard. Exhibit "A" is a location map and Exhibit "B" is the legal description of the subject property.

### **III. LAND USE AND ZONING**

The existing land use, future land use and zoning for the surrounding parcels are summarized below.

#### **EXISTING LAND USE, FUTURE LAND USE & ZONING**

<b>Parcels</b>	<b>Existing Land Use</b>	<b>Future Land Use</b>	<b>Zoning</b>
Subject Site	Medical Center	Medical Commercial	Institutional Public Facilities (IPF)
North	Village Professional Park	Mixed Use	Multiple Use Planned Development (MUPD)
East	Buena Vida	Residential "C" max two units per acre	Planned Unit Development (PUD)
South	Mall at Wellington Green	Regional Commercial / Large Scale Multiple Use (LSMU)	Multiple Use Planned Development (MUPD)
West	Polo Lakes / Wellington's Edge	Residential "H" / Residential "E"	Planned Unit Development (PUD)

### **IV. SITE HISTORY**

The Wellington Regional Medical Center (WRMC) parcel was annexed into the Village of Wellington on September 14, 2004 through Ordinance 2004-031. A Comprehensive Plan Amendment to change the Future Land Use Designation to Medical Commercial from Palm Beach County (PBC) Institutional was approved and adopted on May 6, 2006 through Ordinance 2005-009. The original planning, zoning and building permit approvals were granted by Palm Beach County.

In cooperation with the WRMC, the rezoning and master plan applications have been under review for an extended period of time. The hospital improvements to the hospital that have occurred since annexation of the property have been made under the county-approved master and site plans. The proposed rezoning and master plan will bring the overall project into compliance with the Village's Comprehensive Plan and Land Development Regulations, as required by the state's growth management law.

### **V. DEVELOPMENT REVIEW COMMITTEE (DRC) COMMENTS**

The Rezoning petition was certified at the April 22, 2009 DRC meeting with conditions and the Master Plan was certified at the May 27, 2009 DRC meeting with conditions.

## **VI. STAFF ANALYSIS**

The petitioner (Wellington Regional Medical Center) is requesting a rezoning from Palm Beach County Institutional Public Facilities (IPF) to the Village of Wellington Medical Center Planned Development (MCPD) and a supportive Master Plan for the 57 acre campus.

### **Rezoning:**

As part of the annexation agreement for Wellington Regional Medical Center (WRMC), the Village agreed to create a planned development zoning district appropriate for a medical center. The zoning code text to create the MCPD Zoning District was approved by the Village Council on June 26, 2007. The approval of the MCPD district was necessary prior to rezoning the WRMC property. Additionally the establishment of the MCPD zoning designation is consistent with the Village's Comprehensive Plan Future Land Use Map (FLUM) is required by Ch 163 FS.

### **Consistency with Comprehensive Plan and Land Development Regulations**

As indicated in Exhibit "C," the proposed rezoning to MCPD is consistent with the Medical Commercial Future Land Use Map designation. Consistency between the Comprehensive Plan future land use map designation and the zoning designation for any property is required by Chapter 164.3164, the state's growth management law for municipal and county governments. The rezoning also is consistent with the applicable land development regulations as indicated in Exhibit "D."

### **Compatibility with Surrounding Land Uses**

The Wellington Regional Medical Center campus is compatible with the surrounding land uses. A 12.5 foot incompatibility landscape buffer is proposed along the west and southwest property lines to minimize potential negative impacts to the residential properties. The property immediately north is the proposed Village Professional Park with a FLUM designation of MUPD and is compatible with the WRMC proposed uses. To the south is Forest Hill Boulevard and the Wellington Green Mall.

### **Conformity with Zoning Standards**

The proposed Wellington Regional Medical Center Master Plan shall conform to all applicable elements of the Village's Land Development Regulations (LDR) prescribed development standards such as: parking, minimum building setbacks, maximum building height and landscape buffering standards. The Village's LDR are intended to ensure that land uses can blend and alleviate potentially negative impacts to adjacent land uses. The project is subject to the Village's "Big Box" ordinance requirements.

### **Master Plan:**

The petitioner is requesting a proposed master plan for the 57 acre campus as indicated in Exhibit "E." The WRMC site is designed as a campus offering numerous medical and health related services to the community.

### **Existing Project**

The WRMC campus currently has a 120 bed hospital, cancer center, medical office buildings #1 through #4 approved by Palm Beach County; and medical office buildings #5 and #6, cancer center expansion, emergency room, Neonatal Intensive Care Unit (NICU) expansion

and a 400 car parking garage approved by the Village of Wellington.

### Proposed Improvements

The proposed master plan (Exhibit "E") has existing and proposed facilities to be located on the site include the following:

- (a) 372,710 total square feet of hospital use (total of 240 hospital beds);
- (b) pharmacy;
- (c) Neonatal Intensive Care Unit;
- (d) hospital addition (including dietary expansion, central plant and roof connects);
- (e) 327,415 square feet of medical office use (including the medical office buildings and cancer center);
- (f) 74 Bed (80,000 square feet) Assisted Living Facility; and
- (g) 400 car parking garage and future 474 car parking garage expansion.

The WRMC site is subject to the Village's "Big Box" ordinance and review by the Architectural Review Board (ARB). The proposed Bed Tower addition is vested and will not be reviewed under the Big Box requirements. The petitioner has been advised that a condition of approval is the requirement of an overall master sign plan reviewed and approved by ARB for the WRMC site. The master sign plan shall be consistent with the requirements of the LDRs along with the nature and type of signs previously approved for the WRMC site by Palm Beach County.

The condition on the master plan to maintain the State Road 7/ US 441 median were previous conditions from Palm Beach County (Resolution 98-2037) and were amended by the Village.

## **VII. ADEQUACY OF PUBLIC SERVICES**

### Traffic Impacts

The petitioner submitted a traffic statement that was reviewed and accepted by the Palm Beach County Traffic Division and Village's Traffic Consultant for compliance with Traffic Performance Standards. The Palm Beach County Traffic Division letter (Exhibit "F") has a build-out date of December 31, 2012 for the WRMC project. Exhibit "G" is the Village's Traffic Consultant letter with conditions of approval.

### Parking

A parking utilization study was conducted by the petitioner for the existing WRMC site on March 13, 2008 for 24 hours. The study determined an 83% parking utilization rate for the existing uses and at the final phase of the WRMC project, anticipates sufficient parking will be available on-site per the proposed master plan (Exhibit "E"). Staff and Village's Traffic Consultant reviewed the parking study and provided conditions of approval for the master plan.

### Site Access

The WRMC campus has one access point along Forest Hill Boulevard and three access points along State Road 7. The existing access points are appropriate for the amount of traffic generated by the proposed uses. The Forest Hill Boulevard access will be modified to right-in and right-out only. The Forest Hill Boulevard median is currently under construction to allow east bound left turn only into the emergency room driveway.

Two cross access points shall be provided to the proposed Village Professional Park project adjacent to the north that will promote inter-connectivity per the State Road 7 Corridor Study. A condition on the master plan is to create a cross access agreement initially with the parcel to the north. The proposed WRMC circulation plan for vehicular and pedestrian traffic is consistent with the requirements of the Village's Comprehensive Plan and LDR.

#### Water and Sewer Service

Water and sewer service for the project will be provided by the Village of Wellington. Waste Management will provide solid waste service and Palm Tram will provide mass transit. The Palm Beach County Fire Department will be able to serve the site from Station 30 located less than 2 miles south at 9610 Stribling Way. This project complies with the Village's adequate public facility standards and Comprehensive Plan consistency standards.

#### Environmental Resources

As part of the annexation processes and future land use map designation, the project underwent an environmental review. A 4.5 acre Oak Preserve, dry detention areas and internal lakes are being incorporated on the master plan. No adverse impact to the natural environment is expected to occur.

### **VIII. PUBLIC NOTIFICATION / COMMENTS**

As required by the Land Development Regulations, public notification of this Rezoning and Master Plan was accomplished three ways:

#### **Planning Zoning and Adjustment Board (PZAB):**

<b>Type of Public Notice</b>	<b>Action</b>
Newspaper Advertisement	An advertisement was placed in The Palm Beach Post on June 17, 2009.
Mailing	On June 17, 2009, a notice of public hearing was sent out to all property owners within 500 feet of the subject property
Posting	On June 17, 2009, display signs advertising a public hearing for this petition were posted on the property.

Staff did not receive any phone calls or inquires regarding the mailing, newspaper advertisement or posted signs for the Rezoning and Master Plan petitions.

#### **Village Council (First Reading Rezoning):**

Newspaper Advertisement	An advertisement was placed in The Palm Beach Post on July 27, 2009.
Mailing	On July 27, 2009, a notice of public hearing was sent out to all property owners within 500 feet of the subject property
Posting	On July 27, 2009, display signs advertising a public hearing for this petition were posted on the property.



Staff did not receive any phone calls or inquires regarding the mailing, newspaper advertisement or posted signs for the Rezoning petition.

**Village Council (Second Reading Rezoning and First Master Plan):**

Type of Public Notice	Action
Newspaper Advertisement	An advertisement was placed in The Palm Beach Post on August 31, 2009.
Mailing	On August 31, a notice of public hearing was sent out to all property owners within 500 feet of the subject property
Posting	On August 31, display signs advertising a public hearing for this petition were posted on the property.

Staff has not received any phone calls or inquires regarding the mailing, newspaper advertisement or posted signs for the Rezoning and Master Plan petitions.

**IX. PLANNING, ZONING AND ADJUSTMENT BOARD**

The Wellington Regional Medical Center Rezoning and Master Plan applications were approved at the July 2, 2009 PZAB meeting per staff recommendation.

**X. VILLAGE COUNCIL**

First reading of Ordinance 2009-14, rezoning the Wellington Regional Medical Center Rezoning was approved at the August 11, 2009 Village Council meeting. The second reading and consideration of the Master Plan are scheduled for the September 15, 2009 Village Council meeting.

**XI. STAFF RECOMMENDATION**

- a.) Based on the findings and consistency with the Village of Wellington's Comprehensive Plan and Land Development Regulations, staff recommends approval of Ordinance No. 2009-14 to change the zoning of the 57 acre Wellington Regional Medical Center, located at the northwest corner of State Road 7/ US 441 and Forest Hill Boulevard, as described in Exhibit "B" from the existing Palm Beach County Institutional Public Facilities (IPF) Zoning District to the Medical Center Planned Development (MCPD) Zoning District.
- b.) Based on the findings and consistency with the Village of Wellington's Comprehensive Plan and Land Development Regulations, staff recommends approval of Resolution No. 2009-49 for the Master Plan of the 57 acre parcel known as Wellington Regional Medical Center, located at the northwest corner of State Road 7/ US 441 and Forest Hill Boulevard, as described in Exhibit "B." All development approved shall be consistent with the Master Plan received by the Planning, Zoning and Building Department (Exhibit "E"), subject to the conditions of approval listed below:

1. The property owner shall install landscaping, irrigation and pavers for the median(s) adjacent to the property on State Road 7/ US 441. The landscaping, irrigation and pavers plans shall be submitted the Village prior to permitting with DOT.
2. The property owner shall maintain the median(s) adjacent to the property on State Road 7/ US 441 north of Forest Hill Boulevard.
3. Cross access shall be provided to promote inter-connectivity with adjacent properties. A cross access agreement shall initially be provided for the two cross access points to the proposed Village Professional Park project prior to the issuance of the final WRMC Certificate of Occupancy.
4. The property owner shall construct the following turn lane and median improvements:
  - a. Extend left turn lane west approach at Forest Hill Boulevard driveway to include 345 feet of storage with a 50 foot taper.
  - b. Extend right turn lane east approach at Forest Hill Boulevard driveway to include 320 feet of storage with a 50 foot taper.
  - c. Close median opening at central SR 7 driveway.
  - d. Construct left turn lane south approach at northern SR 7 driveway to include 475 feet of storage with a 50 foot taper.
    - i. The Petitioner shall pay any and all costs associated with the construction for the improvements above. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
    - ii. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for any development.
5. In order to comply with the Countywide Traffic Performance Standards, the property owner shall be restricted to the following phasing schedule. No Building Permits for the site may be issued after December 31, 2012. A time extension for this condition may be approved by the Village Engineer based upon an approved Traffic Study which complies with Traffic Performance Standards in place at the time of the request.
6. A temporary employee only parking lot with a minimum of 44 spaces shall be constructed as shown on the Master Plan.
  - a. Signage shall be placed to designate employee only parking.
  - b. Shuttle service shall be provided to the hospital at a minimum of 3 times per

day during shift changes.

- c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for any development.
7. A second temporary employee only parking lot with a minimum of 41 spaces shall be constructed west of Medical Office Building 6 in addition to the lot identified above.
- a. Signage shall be placed to designate employee only parking.
  - b. Shuttle service shall be provided to the hospital at a minimum of 3 times per day during shift changes.
  - c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for Phase IB as presented in the parking analysis dated May 4, 2009.
8. The 474 space parking garage located north of the existing garage shall be constructed as shown on the Master Plan.
- a. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for Phase II as presented in the parking analysis dated May 4, 2009.
  - b. A time extension for this condition may be approved by the Village based upon an approved parking analysis which indicates compliance with peak parking requirements.
9. An overall WRMC master sign plan shall be submitted for review and approval by the Architectural Review Board (ARB).

**List of Exhibits**

Exhibit "A"	Location Map
Exhibit "B"	Legal Description
Exhibit "C"	Applicable Comprehensive Plan Provisions
Exhibit "D"	Applicable Land Development Regulations
Exhibit "E"	Proposed Wellington Regional Medical Center Master Plan
Exhibit "F"	Palm Beach County Traffic Statement
Exhibit "G"	Village Traffic Consultant's Letter

**Exhibit "A"**  
**Location Map**



**Exhibit "B"**  
**Legal Description**

A parcel of land being comprised of a portion of Tract 17, all of Tracts 18 and 19, a portion of Tracts 20, 21, 22, 27, 28, and a portion of the 25 foot wide road reservation between Tracts 20 and 21, Tracts 19 and 22, Tracts 18 and 23 and Tracts 17 and 24, Block 18, Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, at Pages 45 through 54 inclusive, of the Public Records of Palm Beach County, Florida. Being more particularly described as follows:

Commencing at a Palm Beach County brass disc in concrete at the Southeast corner of Section 12, Township 44 South, Range 41 East, Palm Beach County, Florida; thence North  $87^{\circ}44'43''$  West (as a basis of bearings) along the South line of the Southeast one-quarter (SE 1/4) of said Section 12, a distance of 981.75 feet to the point of intersection with the Southerly prolongation of the West line of the East 255.91 feet (as measured at right angles) of said Tract 27; thence North  $01^{\circ}16'17''$  West along said West line, a distance of 122.12 feet to a point being on the North right-of-way line of Forest Hill Boulevard as recorded in Official Records Book 2198, Page 1200 of the Public Records of Palm Beach County, Florida, and the Point of Beginning; thence continue North  $01^{\circ}16'17''$  West along said West line, a distance of 1,138.56 feet to a point being on the centerline of the 25.00 foot wide road reservation as depicted on said plat of Palm Beach Farms Company Plat No. 3; thence South  $89^{\circ}00'05''$  West along said centerline, a distance of 1,556.17 feet to a point being on the East line of the West 26.40 feet and the southerly extension thereof of Tract 17, of said Block 18; thence North  $01^{\circ}31'08''$  East along the East line of the West 26.40 feet and the southerly extension thereof of Tract 17, of said Block 18, a distance of 672.86 feet to a point being on the North line of said Tract 17; thence North  $89^{\circ}00'05''$  East, a distance of 2,361.43 feet to a point being on the West right-of-way line of State Road Number 7 as recorded in Official Records Book 6237, Page 1443 of the Public Records of Palm Beach County, Florida, the preceding course being coincident with the North line of Tracts 17, 18, 19, and 20 of said Block 18; thence South  $01^{\circ}33'38''$  West along said West right-of-way line, a distance of 329.44 feet to the Northwest corner of the ultimate right-of-way for State Road Number 7 as recorded in Official Records Book 4415, Page 238 of the Public Records of Palm Beach County, Florida; thence continue South  $01^{\circ}33'38''$  West along the West line of said ultimate right-of-way, a distance of 685.32 feet; thence South  $03^{\circ}51'04''$  West continuing along the West line of said ultimate right-of-way, a distance of 856.70 feet to the Northerly corner of those lands as described in that certain right-of-way warranty deed as recorded in Official Records Book 6771, Page 392 of the Public Records of Palm Beach County Florida; thence South  $48^{\circ}58'01''$  West along the Westerly line of those lands as described in said right-of-way warranty deed, a distance of 56.69 feet to a point being on the North right-of-way line of Forest Hill Boulevard per that certain right-of-way warranty deed as recorded in Official Records Book 4415, Page 240 of the Public Records of Palm Beach County, Florida, and being on the arc of a circular curve to the right whose radius point bears North  $04^{\circ}05'00''$  East from said point; thence Westerly and Northerly along said North right-of-way line and the arc of said curve having a radius of 5,665.58 feet, a central angle of  $02^{\circ}37'35''$ , for a distance of 259.71 feet; thence North  $82^{\circ}09'25''$  West continuing along said North right-of-way line, a distance of 400.13 feet to a point being on the North right-of-way line of Forest Hill Boulevard as recorded in Official Records Book 2198, Page 1200 of the Public Records of Palm Beach County, Florida; thence North  $80^{\circ}50'46''$  West along said North right-of-way line, a distance of 15.04 feet to the Point of Beginning.

Said lands situate, lying and being in Section 12, Township 44 South, Range 41 East, Palm Beach County, Florida.

Containing 57.30 acres more or less.

**Exhibit “C”**  
**Applicable Comprehensive Plan Provisions**

**Land Use Element**

*Objective 1.2 – Direct future growth into areas served by urban services that have adequate capacity, as defined by the Village’s adopted level of service standards, which shall be incorporated into the Village’s Land Development Regulations within one year of the effective date of this plan and ensures that this growth is of a quality equal to or better than the existing community, discourages urban sprawl, protects environmental and archeological resources, ensures the ability of suitable land for required utility services and the density and intensity are consistent with the other Goals, Objectives and Policies contained in this plan.*

*Policy 1.3.13 Medical Commercial – Properties designated Medical Commercial are intended to service the health care needs of the community and region. Uses such as hospitals, medical clinics, medical laboratories, medical offices, nursing homes, congregate living facilities and related uses would be allowed.*

- i. Maximum building coverage 25%.*
- ii. Maximum FAR 40%.*

**Transportation Element**

*Policy 1.1.2 - The Village shall review all proposed developments and issue development orders only when it finds that a proposed development will not cause roadway levels of service to fall below Policy 1.1 standards or cause further degradation of service if conditions at the time of the review indicate that standards are already below these standards.*

*Policy 1.1.9 - The Village shall enact and enforce land development code standards and a review process to control roadway access points, on-site traffic flow and on-site parking. The land development code may require the use of joint access drives for adjacent uses. It will set minimum design standards for: 1) the spacing and design of driveway curb cuts; 2) the size of ingress and egress lanes for major land uses; 3) the spacing and design of median openings; and 4) the provision of service roads. State highway access management standards will be utilized in developing roadway access point controls, particularly on Forest Hill Boulevard. The access management controls will be tailored to help achieve the ends set forth in Objective 1.1 [9J-5.007 (3) (c) 2]*

**Exhibit "D"**  
**Applicable Land Development Regulations**

Sec. 5.3.4.I Standards. In adopting a proposed amendment, the Village Council shall consider the following factors, provided however, that in no event shall an amendment be approved that shall result in an incompatibility with the area in which the proposed development is located. Failure of any proposed amendment to meet any standard below shall be deemed adverse to the public interest and the amendment may not be approved.

**A. Whether the proposed request is consistent with the Comprehensive Plan**

**Finding:** The proposed rezoning is consistent with the Village's Comprehensive Plan. In particular, Objective 1.2 of the Land Use Element requires the Village to direct future growth into areas served by urban services that have adequate capacity. During the Comprehensive Plan Amendment review process of this property, various service providers reviewed the project and indicated there are no objections to the proposed modifications.

Policy 1.1.2 of the Transportation Element requires the Village to review all proposed developments and issue development orders only when it finds a proposed development will not cause roadway level of service to fall below the Village's standards. The Village's Traffic Consultant and Palm Beach County Traffic Division have determined the proposed rezoning will not reduce State Road 7's level of service. The Village Engineer has no objection to this request for rezoning.

**B. Whether the proposed request is in conflict with any portion of this Code and is consistent with the stated purpose and intent of this Code**

**Finding:** The proposed rezoning request is not in conflict with any portion of the Village's Land Development Regulations (LDR) and is consistent with the stated purpose and intent to promote the health, safety and general welfare of the Village residents, to regulate the use of land and implement the Village's Comprehensive Plan.

**C. Whether and the extent to which the proposed request is compatible with surrounding land uses and zones**

**Finding:** The proposed request is compatible with surrounding land uses and zones. To the north is a proposed Mixed-Use development known as Village Professional Park and to the south is the Wellington Green Mall. The property to the east and west is residential. The proposed project shall be required to meet or exceed the required landscape buffers and the design of the site shall be to minimize the impact on the surrounding residential properties.

**D. Whether and the extent there are changes conditions that require the request**

**Finding:** A rezoning to a Village zoning designation is required due to the annexation and the comprehensive plan amendment of the Wellington Regional Medical Center. The intent of the Medical Center Planned Development (MCPD) is to provide for the orderly planned development of major health care facilities consisting of a hospital with clinics, medical offices, extended care facilities and other ancillary or medical care support



**facilities. The rezoning will ensure the WRMC campus facilities meet the future evolution of healthcare services for the community and the region.**

**E.** Whether and the extent to which the proposed request would result in significant adverse impacts on the natural environment:

**Finding:** There are no anticipated adverse impacts on the natural environment from the proposed development. As a part of the review process, the project was reviewed for environmental considerations and no adverse environmental impacts are expected.

**F.** Whether and the extent to which the proposed request would result in logical and orderly development pattern

**Finding:** The request will result in a logical and orderly development pattern. The proposed WRMC campus will be developed in four phases.

**G.** Whether and to what extent that proposed request is consistent with applicable neighborhood plans

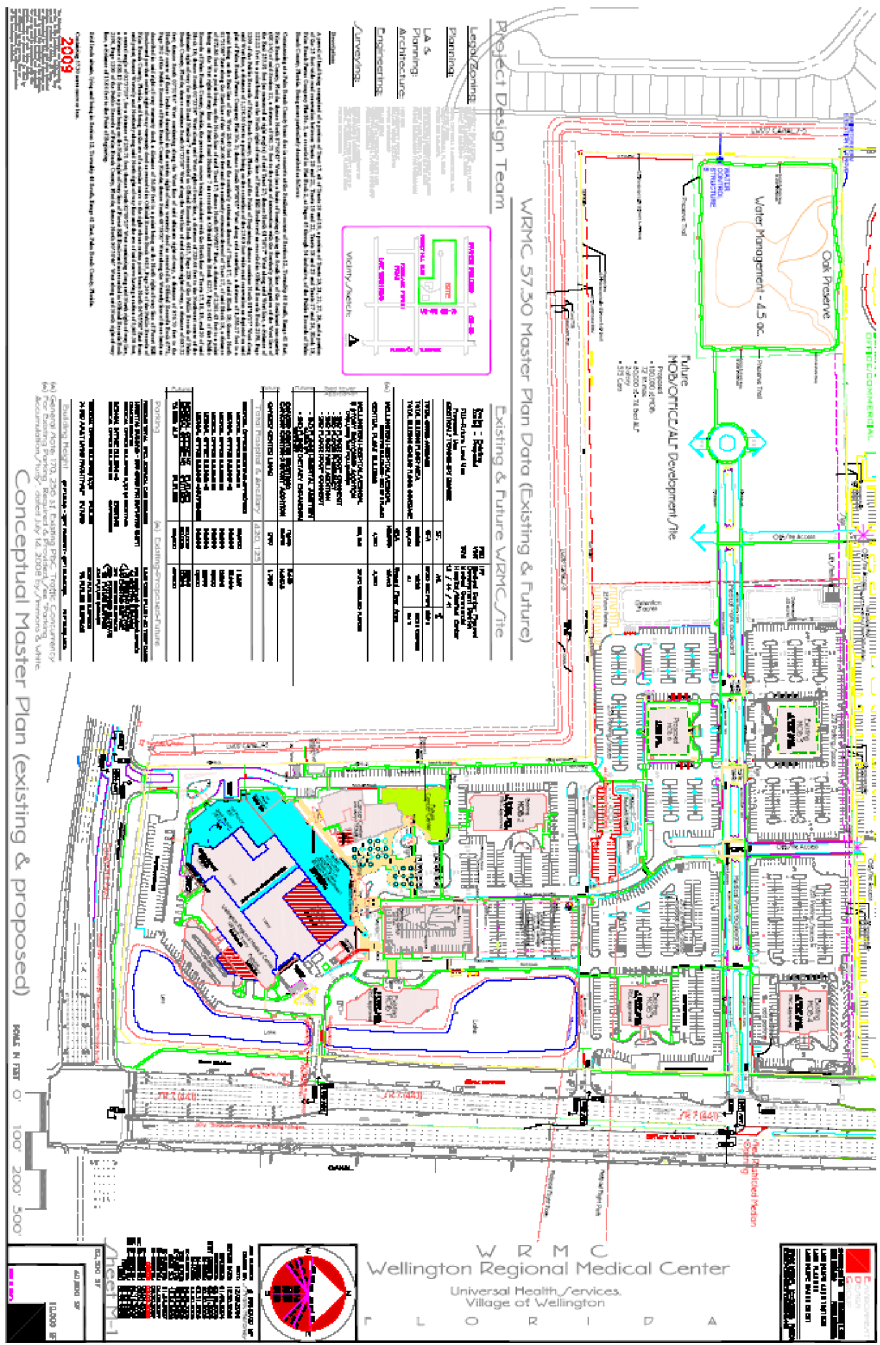
**Finding: Not applicable. There are no neighborhood plans applicable to the subject site**

**H.** Whether there are adequate public facilities

**Findings:** The Village Engineer has determined that there is adequate water and sewer service for the project, which will be provided by the Village of Wellington. Waste Management will provide solid waste management and Palm Tran will provide mass transit. The Palm Beach County Fire Department will be able to serve the site since Station 30 is located less than 2 miles away at 9610 Stribling Way. The Lake Worth Drainage District, South Florida Water Management District and Palm Tran all received notice of the rezoning request and Village staff has not received any objections or negative responses to the request.

The traffic study was reviewed, adjusted and accepted by the Palm Beach County Traffic Division and Village's Traffic Consultant for compliance with traffic performance standards.

Exhibit "E"  
Proposed Master Plan



**Exhibit "F"**  
**Palm Beach County Traffic**  
**Statement**



April 28, 2008

**RECEIVED**

**FEB 20 2009**

VILLAGE OF WELLINGTON  
 PZ & CODE DEPARTMENT

SIMMONS & WHITE, INC.

Department of Engineering  
 and Public Works  
 P.O. Box 21229  
 West Palm Beach, FL 33416-1229  
 (561) 684-4000  
 www.pbcgov.com

Mr. Marty Hodgkins  
 Director, Community Development  
 Village of Wellington  
 12794 W. Forest Hill Boulevard, Suite 10  
 Wellington, FL 33414

**RE: Wellington Regional Medical Center  
 PBC Project No. 070820  
 Traffic Performance Standards Review**

Dear Mr. Hodgkins:

The Palm Beach County Traffic Division has reviewed the traffic impact statement prepared by Simmons & White, Inc. and dated April 16, 2008 for the project entitled **Wellington Regional Medical Center (WRMC)** pursuant to the Traffic Performance Standards in Article 12 of the Palm Beach County Unified Land Development Code. The project is summarized as follows:

<b>Location:</b>	Northwest corner of SR-7 and Forest Hill Boulevard
<b>Municipality:</b>	Wellington
<b>Existing Uses:</b>	170,236 sf Hospital, 130,000 sf Medical Office
<b>Proposed Uses:</b>	420,125 sf Hospital, 130,000 sf Medical Office
<b>New Daily Trips:</b>	3,088
<b>New PH Trips:</b>	223 AM and 189 PM
<b>Build-Out:</b>	December 31, 2012

Based on our review, the Traffic Division has determined that the proposed increase to the previously approved commercial project meets the Traffic Performance Standards of Palm Beach County. No building permits are to be issued by the Village after the build-out date specified above. The County traffic concurrency approval is subject to the Project Aggregation Rules set forth in the Traffic Performance Standards Ordinance.

If you have any questions regarding this determination, please contact me at 684-4030.

Sincerely,

Nick Uhren, P.E.  
 Sr. Professional Engineer - Traffic Division

NU:sf  
 cc: Rob Rennebaum, P.E. - Simmons & White, Inc.

File: General - TPS - Mun - Traffic Study Review  
 N:\TRAFFIC\ADMIN\APPROVALS\2007\070820.DOC

"An Equal Opportunity  
 Affirmative Action Employer"

printed on recycled paper

**Exhibit "G"**  
**Village Traffic Consultant's Letter**

**PTC**

**Transportation Consultants**

5114 Okeechobee Boulevard, Suite 210  
 West Palm Beach, FL 33417-4504  
 (561) 296-9698 Fax (561) 296-9699  
 www.pindertroutman.com  
 Certificate of Authorization Number: 7989

June 17, 2009

Mr. Damian Newell  
 Project Manager  
 Village of Wellington  
 Planning Zoning & Building Department  
 12794 West Forest Hill Boulevard, Suite 23  
 Wellington, FL 33414

**RECEIVED**

**JUN 19 2009**

**VILLAGE OF WELLINGTON  
 PZ & CODE DEPARTMENT**

**Re: Wellington Regional Medical Center - #PTC04-001FF  
 2004-031 MP**

Dear Mr. Newell:

Pinder Troutman Consulting, Inc. (PTC) has completed our review of the resubmitted materials and discussions at the DRC Meeting for the above referenced project.

The submitted materials responded to our comments. Our proposed conditions of approval are presented below.

**TURN LANE CONDITIONS OF APPROVAL**

1. The property owner shall construct the following turn lane and median improvements:
  - a. Extend left turn lane west approach at Forest Hill Boulevard driveway to include 345 feet of storage with a 50 foot taper.
  - b. Extend right turn lane east approach at Forest Hill Boulevard driveway to include 320 feet of storage with a 50 foot taper.
  - c. Close median opening at central SR 7 driveway.
  - d. Construct left turn lane south approach at northern SR 7 driveway to include 475 feet of storage with a 50 foot taper.
    - ❖ The Petitioner shall pay any and all costs associated with the construction for the improvements above. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
    - ❖ Construction shall be completed prior to the issuance of the first Certificate of Occupancy for any development.

**TPS CONDITION OF APPROVAL**

2. In order to comply with the Countywide Traffic Performance Standards, the property owner shall be restricted to the following phasing schedule. No Building Permits for the site may be issued after December 31, 2012. A time extension for this condition may be approved by the Village Engineer based upon an approved Traffic Study which complies with Traffic Performance Standards in place at the time of the request.

Pinder Troutman Consulting, Inc.



Letter Newell 04-001FF 6-17-09

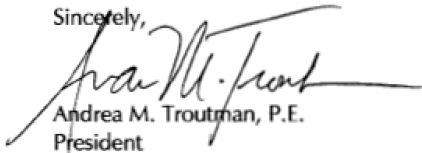
Mr. Damian Newell  
Re: Wellington Regional Medical Center - #PTC04-001FF  
2004-031 MP  
June 17, 2009  
Page 2 of 2

**PARKING CONDITIONS OF APPROVAL**

3. A temporary employee only parking lot with a minimum of 44 spaces shall be constructed as shown on the Master Plan.
  - a. Signage shall be placed to designate as employee only parking.
  - b. Shuttle service shall be provided to the hospital at a minimum of 3 times per day during shift changes.
  - c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for any development.
4. A second temporary employee only parking lot with a minimum of 41 spaces shall be constructed west of Medical Office Building 6 in addition to the lot identified above.
  - a. Signage shall be placed to designate as employee only parking.
  - b. Shuttle service shall be provided to the hospital at a minimum of 3 times per day during shift changes.
  - c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for Phase IB as presented in the parking analysis dated May 4, 2009.
5. The 474 space parking garage located north of the existing garage shall be constructed as shown on the Master Plan.
  - a. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for Phase II as presented in the parking analysis dated May 4, 2009.
  - b. A time extension for this condition may be approved by the Village Engineer based upon an approved parking analysis which complies with requirements in place at the time of the request.

Please call with any questions.

Sincerely,

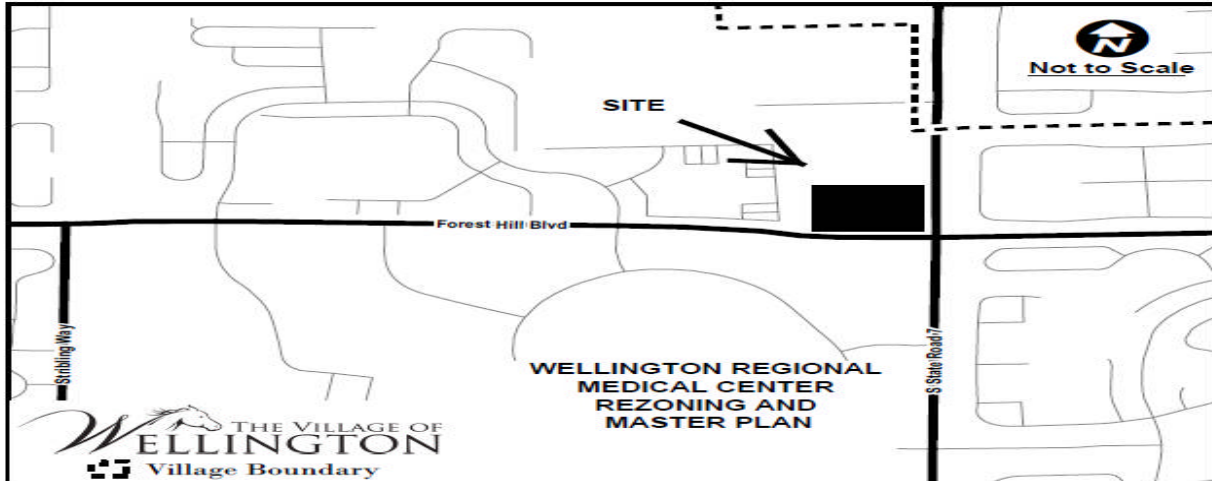


Andrea M. Troutman, P.E.  
President

AMT/ldr

cc: David Flinchum, ASLA, AICP





### VILLAGE OF WELLINGTON NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held on the Ordinance and Resolution described below:

#### REZONING

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA RELATING TO REZONING FOR PETITION NUMBER 2004-031 REZ 1, ALSO KNOWN AS WELLINGTON REGIONAL MEDICAL CENTER; PROVIDING FOR THE REZONING OF A PARCEL OF LAND, CONSISTING OF 57 ACRES, MORE OR LESS, LOCATED AT THE NORTHWEST CORNER OF STATE ROAD 7 AND FOREST HILL BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN; FROM PALM BEACH COUNTY INSTITUTIONAL PUBLIC FACILITIES (IPF) TO VILLAGE OF WELLINGTON MEDICAL CENTER PLANNED DEVELOPMENT (MCPD); PROVIDING FOR REVISIONS TO THE ZONING DISTRICT MAP; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

#### MASTER PLAN AMENDMENT

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, APPROVING THE MASTER PLAN FOR PETITION NUMBER 2004-031 MP, FOR CERTAIN PROPERTY KNOWN AS WELLINGTON REGIONAL MEDICAL CENTER, TOTALING 57 ACRES, MORE OR LESS, LOCATED AT THE NORTHWEST CORNER OF STATE ROAD 7 AND FOREST HILL BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN, PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

Said public hearing will be held as follows:

**VILLAGE COUNCIL**

Location: Council Chambers, 12615 Forest Hill Boulevard, Wellington, Florida.

Date: September 15, 2009 at 7:00 P.M. or as soon thereafter as may be heard in the orderly course of business. The hearing of the request may be continued from time to time as may be found necessary.

Appeals: If a person decides to appeal any decision with respect to any matter considered at such hearing, he/she will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is to be based. All appeals must be filed in accordance with the applicable provisions of the Village of Wellington Land Development Regulations.

All interested parties are invited to attend and be heard with respect to the proposed Ordinance and Resolution. Copies of all documents pertaining to the proposed Ordinance and Resolution are available in the Planning and Zoning Department at the address listed below and can be reviewed by the public on weekdays between the hours of 8:00 a.m. and 4:00 p.m.

**Planning & Zoning Department  
12794 West Forest Hill Boulevard, Suite 23  
Wellington, Florida, 33414  
(561) 753-2430**

Appeals: If a person decides to appeal any decision with respect to any matter considered at such hearing, he/she will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based. All appeals must be filed in accordance with the applicable provisions of the Village of Wellington Land Development Regulations.

Pursuant to the provisions of the Americans With Disabilities Act, any person requiring special accommodations to participate in this hearing, because of a disability or physical impairment, should contact the Village Manager's Office at (561) 791-4000 at least five calendar days prior to the Hearing.

Dated: August 28, 2009

Publish: The Post  
August 31, 2009

**Note to Publisher:** Pursuant to Florida Statutes, the required advertisement shall be no less than 2 columns wide by ten inches long, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement **shall not** be placed in that portion of the newspaper where legal notices and classified advertisements appear.

7. E

**WELLINGTON VILLAGE COUNCIL  
AGENDA ITEM SUMMARY**

**AGENDA ITEM NAME:** RESOLUTION NO. R2009-49 (WELLINGTON REGIONAL MEDICAL CENTER)

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, APPROVING THE MASTER PLAN FOR PETITION NUMBER 2004-031 MP1, FOR CERTAIN PROPERTY KNOWN AS WELLINGTON REGIONAL MEDICAL CENTER, TOTALING 57 ACRES, MORE OR LESS, LOCATED AT THE NORTHWEST CORNER OF STATE ROAD 7 AND FOREST HILL BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN, PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**ACTION REQUESTED:** Discussion ☐ Approval ☒

**BUDGET AMENDMENT  
REQUIRED:** Yes ☐ No ☒ See Below ☐

**PUBLIC HEARING:** Yes ☒ No ☐

**FIRST READING** ☒

**SECOND READING** ☐

**REQUEST:** The petitioner is seeking a Master Plan approval for the Wellington Regional Medical Center 57 acre campus amending the previously approved County master plan.

**EXPLANATION:** The proposed master plan is for Village of Wellington approval of existing and proposed facilities located at the 57 acre property known as Wellington Regional Medical Center.

Staff notes this application is being processed concurrently with a request for approval of the Wellington Regional Medical Center Rezoning.

**FISCAL IMPACT:** None.

**RECOMMENDATION:** Based on the findings and consistency with the Village of Wellington's Comprehensive Plan and Land Development Regulations, staff recommends approval of Resolution No. R2009-49 for the Master Plan of the 57 acre parcel known as Wellington Regional Medical Center, located at the northwest corner of State Road 7/ US 441 and Forest Hill Boulevard, with conditions of approval.



**RESOLUTION NO. R2009-49**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, APPROVING THE MASTER PLAN FOR PETITION NUMBER 2004-031 MP1, FOR CERTAIN PROPERTY KNOWN AS WELLINGTON REGIONAL MEDICAL CENTER, TOTALING 57 ACRES, MORE OR LESS, LOCATED AT THE NORTHWEST CORNER OF STATE ROAD 7 AND FOREST HILL BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Village Council, as the governing body of the Village of Wellington, Florida, pursuant to the authority in Chapter 163 and Chapter 166, Florida Statutes, and the Land Development Regulations, as adopted by the Village of Wellington, is authorized and empowered to consider petitions related to zoning and land development orders; and

**WHEREAS**, the notice and hearing requirements as provided in Article V of the Land Development Regulations, as adopted by the Village of Wellington, have been satisfied; and

**WHEREAS**, the Planning, Zoning and Adjustment Board, after notice and public hearing has considered the petition of 2004-031 MP1, at a public hearing conducted on July 2, 2009 and has presented its recommendation to the Village Council; and

**WHEREAS**, the Village Council has considered the evidence and testimony presented by the Petitioner and other interested parties and the recommendations of the various Village of Wellington and Palm Beach County review agencies and staff; and

**WHEREAS**, The Village Council has made the following findings of fact:

1. The proposed Master Plan is consistent with the Comprehensive Plan.
2. The subject request is consistent with the stated purposes and intent of the Code.
3. The requested Master Plan is consistent with the surrounding land uses and zoning districts.
4. No adverse impacts to the natural environment are expected to occur as a result of an approval of the Master Plan request.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA** that:

**SECTION 1:** The Master Plan Application of Universal Health Realty Income and Wellington Regional Medical Center, owners, and Anna Cottrell & Associates, agent is hereby approved for real property as described in Exhibit "A" and located as provided in Exhibit "B." The Wellington Regional Medical Center Conceptual Master Plan as provided in Exhibit "C" is subject to the conditions of approval contained herein, which are in addition to the general requirements otherwise provided by ordinance:

1. The property owner shall install landscaping, irrigation and pavers for the median(s) adjacent to the property on State Road 7/ US 441. The landscaping, irrigation and pavers plans shall be submitted the Village prior to permitting with FDOT.

2. The property owner shall maintain the median(s) adjacent to the property on State Road 7/ US 441 north of Forest Hill Boulevard.
3. Cross access shall be provided to promote inter-connectivity with adjacent properties. A cross access agreement shall initially be provided for the two cross access points to the proposed Village Professional Park project prior to the issuance of the final WRMC Certificate of Occupancy.
4. The property owner shall construct the following turn lane and median improvements:
  - a. Extend left turn lane west approach at Forest Hill Boulevard driveway to include 345 feet of storage with a 50 foot taper.
  - b. Extend right turn lane east approach at Forest Hill Boulevard driveway to include 320 feet of storage with a 50 foot taper.
  - c. Close median opening at central SR 7 driveway.
  - d. Construct left turn lane south approach at northern SR 7 driveway to include 475 feet of storage with a 50 foot taper.
    - i. The Petitioner shall pay any and all costs associated with the construction for the improvements above. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
    - ii. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for any development.
5. In order to comply with the Countywide Traffic Performance Standards, the property owner shall be restricted to the following phasing schedule. No Building Permits for the site may be issued after December 31, 2012. A time extension for this condition may be approved by the Village Engineer based upon an approved Traffic Study which complies with Traffic Performance Standards in place at the time of the request.
6. A temporary employee only parking lot with a minimum of 44 spaces shall be constructed as shown on the Master Plan.
  - a. Signage shall be placed to designate employee only parking.
  - b. Shuttle service shall be provided to the hospital at a minimum of 3 times per day during shift changes.
  - c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for any development.
7. A second temporary employee only parking lot with a minimum of 41 spaces shall be constructed west of Medical Office Building 6 in addition to the lot identified above.
  - a. Signage shall be placed to designate employee only parking.

- b. Shuttle service shall be provided to the hospital at a minimum of 3 times per day during shift changes.
  - c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for Phase IB as presented in the parking analysis dated May 4, 2009.
8. The 474 space parking garage located north of the existing garage shall be constructed as shown on the Master Plan.
- a. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for Phase II as presented in the parking analysis dated May 4, 2009.
  - b. A time extension for this condition may be approved by the Village based upon an approved parking analysis which indicates compliance with peak parking requirements.
9. An overall WRMC master sign plan shall be submitted for review and approval by the Architectural Review Board (ARB).

**SECTION 2:** This Resolution shall take effect immediately upon adoption.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**ATTEST:**

**VILLAGE OF WELLINGTON**

BY: \_\_\_\_\_  
Awilda Rodriguez, Village Clerk

BY: \_\_\_\_\_  
Darell Bowen, Mayor

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

BY: \_\_\_\_\_  
Jeffrey S. Kurtz, Village Attorney

1  
2  
3Exhibit "A"  
Legal Description

A parcel of land being comprised of a portion of Tract 17, all of Tracts 18 and 19, a portion of Tracts 20, 21, 22, 27, 28, and a portion of the 25 foot wide road reservation between Tracts 20 and 21, Tracts 19 and 22, Tracts 18 and 23 and Tracts 17 and 24, Block 18, Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, at Pages 45 through 54 inclusive, of the Public Records of Palm Beach County, Florida. Being more particularly described as follows:

Commencing at a Palm Beach County brass disc in concrete at the Southeast corner of Section 12, Township 44 South, Range 41 East, Palm Beach County, Florida; thence North  $87^{\circ}44'43''$  West (as a basis of bearings) along the South line of the Southeast one-quarter (SE 1/4) of said Section 12, a distance of 981.75 feet to the point of intersection with the Southerly prolongation of the West line of the East 255.91 feet (as measured at right angles) of said Tract 27; thence North  $01^{\circ}16'17''$  West along said West line, a distance of 122.12 feet to a point being on the North right-of-way line of Forest Hill Boulevard as recorded in Official Records Book 2198, Page 1200 of the Public Records of Palm Beach County, Florida, and the Point of Beginning; thence continue North  $01^{\circ}16'17''$  West along said West line, a distance of 1,138.56 feet to a point being on the centerline of the 25.00 foot wide road reservation as depicted on said plat of Palm Beach Farms Company Plat No. 3; thence South  $89^{\circ}00'05''$  West along said centerline, a distance of 1,556.17 feet to a point being on the East line of the West 26.40 feet and the southerly extension thereof of Tract 17, of said Block 18; thence North  $01^{\circ}31'08''$  East along the East line of the West 26.40 feet and the southerly extension thereof of Tract 17, of said Block 18, a distance of 672.86 feet to a point being on the North line of said Tract 17; thence North  $89^{\circ}00'05''$  East, a distance of 2,361.43 feet to a point being on the West right-of-way line of State Road Number 7 as recorded in Official Records Book 6237, Page 1443 of the Public Records of Palm Beach County, Florida, the preceding course being coincident with the North line of Tracts 17, 18, 19, and 20 of said Block 18; thence South  $01^{\circ}33'38''$  West along said West right-of-way line, a distance of 329.44 feet to the Northwest corner of the ultimate right-of-way for State Road Number 7 as recorded in Official Records Book 4415, Page 238 of the Public Records of Palm Beach County, Florida; thence continue South  $01^{\circ}33'38''$  West along the West line of said ultimate right-of-way, a distance of 685.32 feet; thence South  $03^{\circ}51'04''$  West continuing along the West line of said ultimate right-of-way, a distance of 856.70 feet to the Northerly corner of those lands as described in that certain right-of-way warranty deed as recorded in Official Records Book 6771, Page 392 of the Public Records of Palm Beach County Florida; thence South  $48^{\circ}58'01''$  West along the Westerly line of those lands as described in said right-of-way warranty deed, a distance of 56.69 feet to a point being on the North right-of-way line of Forest Hill Boulevard per that certain right-of-way warranty deed as recorded in Official Records Book 4415, Page 240 of the Public Records of Palm Beach County, Florida, and being on the arc of a circular curve to the right whose radius point bears North  $04^{\circ}05'00''$  East from said point; thence Westerly and Northerly along said North right-of-way line and the arc of said curve having a radius of 5,665.58 feet, a central angle of  $02^{\circ}37'35''$ , for a distance of 259.71 feet; thence North  $82^{\circ}09'25''$  West continuing along said North right-of-way line, a distance of 400.13 feet to a point being on the North right-of-way line of Forest Hill Boulevard as recorded in Official Records Book 2198, Page 1200 of the Public Records of Palm Beach County, Florida; thence North  $80^{\circ}50'46''$  West along said North right-of-way line, a distance of 15.04 feet to the Point of Beginning.

Said lands situate, lying and being in Section 12, Township 44 South, Range 41 East, Palm Beach County, Florida.

Containing 57.30 acres more or less.

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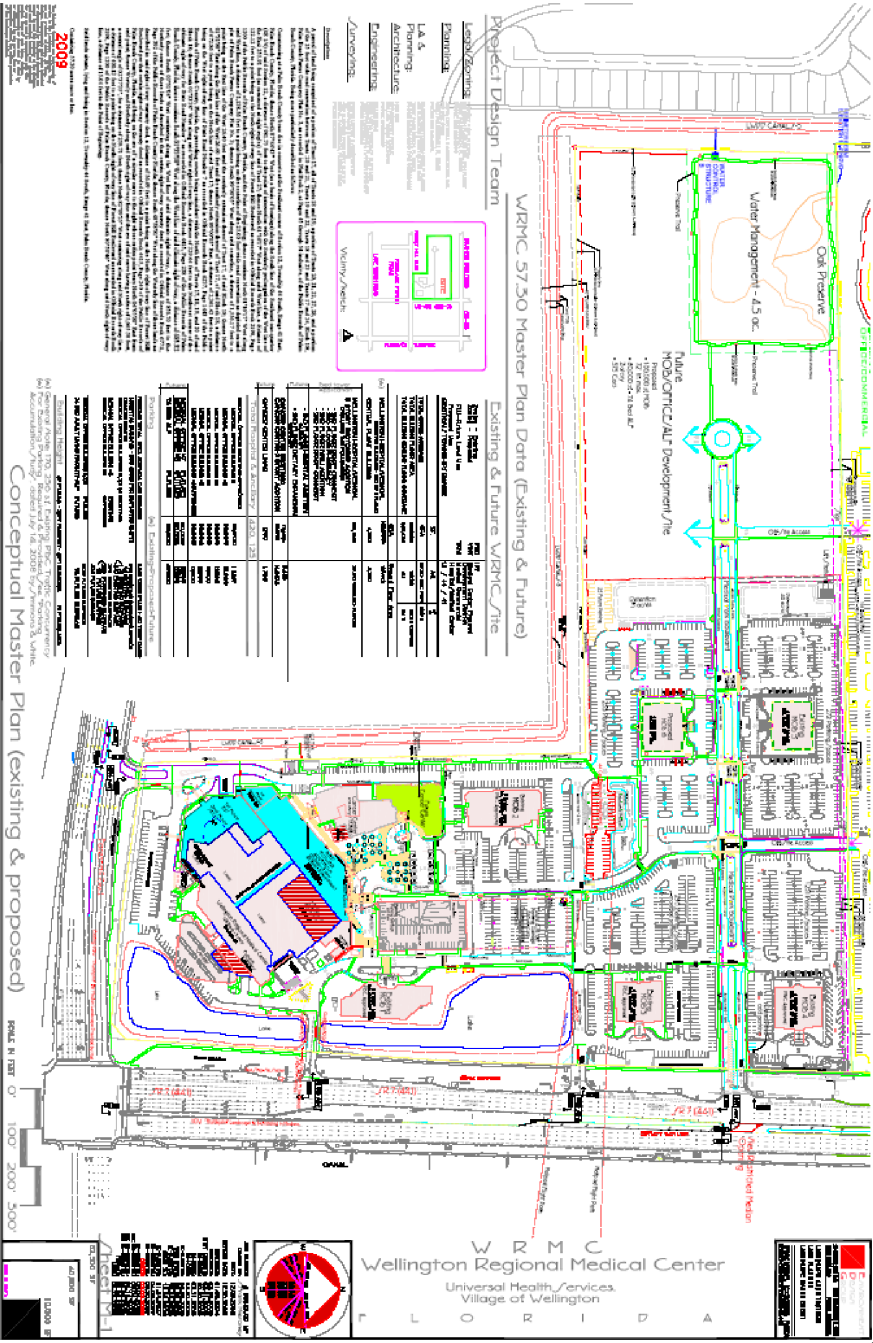
Exhibit "B"  
Location Map



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Exhibit "C"  
Conceptual Master Plan





**STAFF REPORT  
VILLAGE OF WELLINGTON  
PLANNING & ZONING DIVISION**

**I. PETITION DESCRIPTION**

Petition No's.: a.) Rezoning: 2004-031 REZ1  
b.) Master Plan: 2004-031 MP1

Project Name: Wellington Regional Medical Center (WRMC)

Petitioner: Universal Health Realty Income  
Wellington Regional Medical Center

Agent: Anna Cottrell & Associates, Inc.  
PO Box 19058  
West Palm Beach, FL 33416

Request: The petitioner is seeking;

- a.) An initial zoning designation of Medical Center Planned Development (MCPD) for the Wellington Regional Medical Centers 57 acre campus. This is an initial designation under the Village's Land Development Regulations (LDR's). The establishment of a Village of Wellington Zoning District that is consistent with the Comprehensive Plan Future Land Use Map Designation of Medical Commercial. and;
- b.) A Master Plan approval for the Wellington Regional Medical Center 57 acre campus amending the previously approved County master plan.

**II. SITE DATA**

Existing Use: Hospital and Medical Offices Proposed  
Proposed Use: Medical Campus  
Parcel Size: 57 acres  
Existing  
Land Use: Medical Commercial  
Existing  
Zoning District: Palm Beach County Institutional Public Facilities (IPF)  
  
Proposed  
Zoning District: Village of Wellington Medical Center Planned  
Development (MCPD)  
  
Parcel  
Control No's.: 73-42-43-27-05-018-0171, 73-42-43-27-05-018-0201,



73-42-43-27-05-018-0202, 73-42-43-27-05-018-0204

Location: The subject property is located at 10101 Forest Hill Boulevard, at the northwest corner of the intersection of State Road 7/ US 441 and Forest Hill Boulevard. Exhibit "A" is a location map and Exhibit "B" is the legal description of the subject property.

### III. LAND USE AND ZONING

The existing land use, future land use and zoning for the surrounding parcels are summarized below.

#### EXISTING LAND USE, FUTURE LAND USE & ZONING

Parcels	Existing Land Use	Future Land Use	Zoning
Subject Site	Medical Center	Medical Commercial	Institutional Public Facilities (IPF)
North	Village Professional Park	Mixed Use	Multiple Use Planned Development (MUPD)
East	Buena Vida	Residential "C" max two units per acre	Planned Unit Development (PUD)
South	Mall at Wellington Green	Regional Commercial / Large Scale Multiple Use (LSMU)	Multiple Use Planned Development (MUPD)
West	Polo Lakes / Wellington's Edge	Residential "H" / Residential "E"	Planned Unit Development (PUD)

### IV. SITE HISTORY

The Wellington Regional Medical Center (WRMC) parcel was annexed into the Village of Wellington on September 14, 2004 through Ordinance 2004-031. A Comprehensive Plan Amendment to change the Future Land Use Designation to Medical Commercial from Palm Beach County (PBC) Institutional was approved and adopted on May 6, 2006 through Ordinance 2005-009. The original planning, zoning and building permit approvals were granted by Palm Beach County.

In cooperation with the WRMC, the rezoning and master plan applications have been under review for an extended period of time. The hospital improvements to the hospital that have occurred since annexation of the property have been made under the county-approved master and site plans. The proposed rezoning and master plan will bring the overall project into compliance with the Village's Comprehensive Plan and Land Development Regulations, as required by the state's growth management law.

### V. DEVELOPMENT REVIEW COMMITTEE (DRC) COMMENTS

The Rezoning petition was certified at the April 22, 2009 DRC meeting with conditions and the Master Plan was certified at the May 27, 2009 DRC meeting with conditions.



## **VI. STAFF ANALYSIS**

The petitioner (Wellington Regional Medical Center) is requesting a rezoning from Palm Beach County Institutional Public Facilities (IPF) to the Village of Wellington Medical Center Planned Development (MCPD) and a supportive Master Plan for the 57 acre campus.

### **Rezoning:**

As part of the annexation agreement for Wellington Regional Medical Center (WRMC), the Village agreed to create a planned development zoning district appropriate for a medical center. The zoning code text to create the MCPD Zoning District was approved by the Village Council on June 26, 2007. The approval of the MCPD district was necessary prior to rezoning the WRMC property. Additionally the establishment of the MCPD zoning designation is consistent with the Village's Comprehensive Plan Future Land Use Map (FLUM) is required by Ch 163 FS.

### **Consistency with Comprehensive Plan and Land Development Regulations**

As indicated in Exhibit "C," the proposed rezoning to MCPD is consistent with the Medical Commercial Future Land Use Map designation. Consistency between the Comprehensive Plan future land use map designation and the zoning designation for any property is required by Chapter 164.3164, the state's growth management law for municipal and county governments. The rezoning also is consistent with the applicable land development regulations as indicated in Exhibit "D."

### **Compatibility with Surrounding Land Uses**

The Wellington Regional Medical Center campus is compatible with the surrounding land uses. A 12.5 foot incompatibility landscape buffer is proposed along the west and southwest property lines to minimize potential negative impacts to the residential properties. The property immediately north is the proposed Village Professional Park with a FLUM designation of MUPD and is compatible with the WRMC proposed uses. To the south is Forest Hill Boulevard and the Wellington Green Mall.

### **Conformity with Zoning Standards**

The proposed Wellington Regional Medical Center Master Plan shall conform to all applicable elements of the Village's Land Development Regulations (LDR) prescribed development standards such as: parking, minimum building setbacks, maximum building height and landscape buffering standards. The Village's LDR are intended to ensure that land uses can blend and alleviate potentially negative impacts to adjacent land uses. The project is subject to the Village's "Big Box" ordinance requirements.

### **Master Plan:**

The petitioner is requesting a proposed master plan for the 57 acre campus as indicated in Exhibit "E." The WRMC site is designed as a campus offering numerous medical and health related services to the community.

### **Existing Project**

The WRMC campus currently has a 120 bed hospital, cancer center, medical office buildings #1 through #4 approved by Palm Beach County; and medical office buildings #5 and #6, cancer center expansion, emergency room, Neonatal Intensive Care Unit (NICU) expansion

and a 400 car parking garage approved by the Village of Wellington.

### Proposed Improvements

The proposed master plan (Exhibit "E") has existing and proposed facilities to be located on the site include the following:

- (a) 372,710 total square feet of hospital use (total of 240 hospital beds);
- (b) pharmacy;
- (c) Neonatal Intensive Care Unit;
- (d) hospital addition (including dietary expansion, central plant and roof connects);
- (e) 327,415 square feet of medical office use (including the medical office buildings and cancer center);
- (f) 74 Bed (80,000 square feet) Assisted Living Facility; and
- (g) 400 car parking garage and future 474 car parking garage expansion.

The WRMC site is subject to the Village's "Big Box" ordinance and review by the Architectural Review Board (ARB). The proposed Bed Tower addition is vested and will not be reviewed under the Big Box requirements. The petitioner has been advised that a condition of approval is the requirement of an overall master sign plan reviewed and approved by ARB for the WRMC site. The master sign plan shall be consistent with the requirements of the LDRs along with the nature and type of signs previously approved for the WRMC site by Palm Beach County.

The condition on the master plan to maintain the State Road 7/ US 441 median were previous conditions from Palm Beach County (Resolution 98-2037) and were amended by the Village.

## **VII. ADEQUACY OF PUBLIC SERVICES**

### Traffic Impacts

The petitioner submitted a traffic statement that was reviewed and accepted by the Palm Beach County Traffic Division and Village's Traffic Consultant for compliance with Traffic Performance Standards. The Palm Beach County Traffic Division letter (Exhibit "F") has a build-out date of December 31, 2012 for the WRMC project. Exhibit "G" is the Village's Traffic Consultant letter with conditions of approval.

### Parking

A parking utilization study was conducted by the petitioner for the existing WRMC site on March 13, 2008 for 24 hours. The study determined an 83% parking utilization rate for the existing uses and at the final phase of the WRMC project, anticipates sufficient parking will be available on-site per the proposed master plan (Exhibit "E"). Staff and Village's Traffic Consultant reviewed the parking study and provided conditions of approval for the master plan.

### Site Access

The WRMC campus has one access point along Forest Hill Boulevard and three access points along State Road 7. The existing access points are appropriate for the amount of traffic generated by the proposed uses. The Forest Hill Boulevard access will be modified to right-in and right-out only. The Forest Hill Boulevard median is currently under construction to allow east bound left turn only into the emergency room driveway.

Two cross access points shall be provided to the proposed Village Professional Park project

adjacent to the north that will promote inter-connectivity per the State Road 7 Corridor Study. A condition on the master plan is to create a cross access agreement initially with the parcel to the north. The proposed WRMC circulation plan for vehicular and pedestrian traffic is consistent with the requirements of the Village's Comprehensive Plan and LDR.

#### Water and Sewer Service

Water and sewer service for the project will be provided by the Village of Wellington. Waste Management will provide solid waste service and Palm Tram will provide mass transit. The Palm Beach County Fire Department will be able to serve the site from Station 30 located less than 2 miles south at 9610 Stribling Way. This project complies with the Village's adequate public facility standards and Comprehensive Plan consistency standards.

#### Environmental Resources

As part of the annexation processes and future land use map designation, the project underwent an environmental review. A 4.5 acre Oak Preserve, dry detention areas and internal lakes are being incorporated on the master plan. No adverse impact to the natural environment is expected to occur.

### **VIII. PUBLIC NOTIFICATION / COMMENTS**

As required by the Land Development Regulations, public notification of this Rezoning and Master Plan was accomplished three ways:

#### **Planning Zoning and Adjustment Board (PZAB):**

<b>Type of Public Notice</b>	<b>Action</b>
Newspaper Advertisement	An advertisement was placed in The Palm Beach Post on June 17, 2009.
Mailing	On June 17, 2009, a notice of public hearing was sent out to all property owners within 500 feet of the subject property
Posting	On June 17, 2009, display signs advertising a public hearing for this petition were posted on the property.

Staff did not receive any phone calls or inquires regarding the mailing, newspaper advertisement or posted signs for the Rezoning and Master Plan petitions.

#### **Village Council (First Reading Rezoning):**

Newspaper Advertisement	An advertisement was placed in The Palm Beach Post on July 27, 2009.
Mailing	On July 27, 2009, a notice of public hearing was sent out to all property owners within 500 feet of the subject property
Posting	On July 27, 2009, display signs advertising a public hearing for this petition were posted on the property.

Staff did not receive any phone calls or inquires regarding the mailing, newspaper advertisement or posted signs for the Rezoning petition.

**Village Council (Second Reading Rezoning and First Master Plan):**

Type of Public Notice	Action
Newspaper Advertisement	An advertisement was placed in The Palm Beach Post on August 31, 2009.
Mailing	On August 31, a notice of public hearing was sent out to all property owners within 500 feet of the subject property
Posting	On August 31, display signs advertising a public hearing for this petition were posted on the property.

Staff has not received any phone calls or inquires regarding the mailing, newspaper advertisement or posted signs for the Rezoning and Master Plan petitions.

**IX. PLANNING, ZONING AND ADJUSTMENT BOARD**

The Wellington Regional Medical Center Rezoning and Master Plan applications were approved at the July 2, 2009 PZAB meeting per staff recommendation.

**X. VILLAGE COUNCIL**

First reading of Ordinance 2009-14, rezoning the Wellington Regional Medical Center Rezoning was approved at the August 11, 2009 Village Council meeting. The second reading and consideration of the Master Plan are scheduled for the September 15, 2009 Village Council meeting.

**XII. STAFF RECOMMENDATION**

- a.) Based on the findings and consistency with the Village of Wellington's Comprehensive Plan and Land Development Regulations, staff recommends approval of Ordinance No. 2009-14 to change the zoning of the 57 acre Wellington Regional Medical Center, located at the northwest corner of State Road 7/ US 441 and Forest Hill Boulevard, as described in Exhibit "B" from the existing Palm Beach County Institutional Public Facilities (IPF) Zoning District to the Medical Center Planned Development (MCPD) Zoning District.
- b.) Based on the findings and consistency with the Village of Wellington's Comprehensive Plan and Land Development Regulations, staff recommends approval of Resolution No. 2009-49 for the Master Plan of the 57 acre parcel known as Wellington Regional Medical Center, located at the northwest corner of State Road 7/ US 441 and Forest Hill Boulevard, as described in Exhibit "B." All development approved shall be consistent with the Master Plan received by the Planning, Zoning and Building Department (Exhibit "E"),

subject to the conditions of approval listed below:

1. The property owner shall install landscaping, irrigation and pavers for the median(s) adjacent to the property on State Road 7/ US 441. The landscaping, irrigation and pavers plans shall be submitted the Village prior to permitting with DOT.
2. The property owner shall maintain the median(s) adjacent to the property on State Road 7/ US 441 north of Forest Hill Boulevard.
3. Cross access shall be provided to promote inter-connectivity with adjacent properties. A cross access agreement shall initially be provided for the two cross access points to the proposed Village Professional Park project prior to the issuance of the final WRMC Certificate of Occupancy.
4. The property owner shall construct the following turn lane and median improvements:
  - a. Extend left turn lane west approach at Forest Hill Boulevard driveway to include 345 feet of storage with a 50 foot taper.
  - b. Extend right turn lane east approach at Forest Hill Boulevard driveway to include 320 feet of storage with a 50 foot taper.
  - c. Close median opening at central SR 7 driveway.
  - d. Construct left turn lane south approach at northern SR 7 driveway to include 475 feet of storage with a 50 foot taper.
    - i. The Petitioner shall pay any and all costs associated with the construction for the improvements above. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
    - ii. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for any development.
5. In order to comply with the Countywide Traffic Performance Standards, the property owner shall be restricted to the following phasing schedule. No Building Permits for the site may be issued after December 31, 2012. A time extension for this condition may be approved by the Village Engineer based upon an approved Traffic Study which complies with Traffic Performance Standards in place at the time of the request.
6. A temporary employee only parking lot with a minimum of 44 spaces shall be constructed as shown on the Master Plan.
  - a. Signage shall be placed to designate employee only parking.
  - b. Shuttle service shall be provided to the hospital at a minimum of 3 times per day during shift changes.

- c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for any development.
- 7. A second temporary employee only parking lot with a minimum of 41 spaces shall be constructed west of Medical Office Building 6 in addition to the lot identified above.
  - a. Signage shall be placed to designate employee only parking.
  - b. Shuttle service shall be provided to the hospital at a minimum of 3 times per day during shift changes.
  - c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for Phase IB as presented in the parking analysis dated May 4, 2009.
- 8. The 474 space parking garage located north of the existing garage shall be constructed as shown on the Master Plan.
  - a. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for Phase II as presented in the parking analysis dated May 4, 2009.
  - b. A time extension for this condition may be approved by the Village based upon an approved parking analysis which indicates compliance with peak parking requirements.
- 9. An overall WRMC master sign plan shall be submitted for review and approval by the Architectural Review Board (ARB).

**List of Exhibits**

Exhibit "A"	Location Map
Exhibit "B"	Legal Description
Exhibit "C"	Applicable Comprehensive Plan Provisions
Exhibit "D"	Applicable Land Development Regulations
Exhibit "E"	Proposed Wellington Regional Medical Center Master Plan
Exhibit "F"	Palm Beach County Traffic Statement
Exhibit "G"	Village Traffic Consultant's Letter

**Exhibit "A"**  
**Location Map**





**Exhibit "B"**  
**Legal Description**

A parcel of land being comprised of a portion of Tract 17, all of Tracts 18 and 19, a portion of Tracts 20, 21, 22, 27, 28, and a portion of the 25 foot wide road reservation between Tracts 20 and 21, Tracts 19 and 22, Tracts 18 and 23 and Tracts 17 and 24, Block 18, Palm Beach Farms Company Plat No. 3, as recorded in Plat Book 2, at Pages 45 through 54 inclusive, of the Public Records of Palm Beach County, Florida. Being more particularly described as follows:

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Said lands situate, lying and being in Section 12, Township 44 South, Range 41 East, Palm Beach County, Florida.

Containing 57.30 acres more or less.

**Exhibit "C"**  
**Applicable Comprehensive Plan Provisions**

**Land Use Element**

*Objective 1.2 – Direct future growth into areas served by urban services that have adequate capacity, as defined by the Village's adopted level of service standards, which shall be incorporated into the Village's Land Development Regulations within one year of the effective date of this plan and ensures that this growth is of a quality equal to or better than the existing community, discourages urban sprawl, protects environmental and archeological resources, ensures the ability of suitable land for required utility services and the density and intensity are consistent with the other Goals, Objectives and Policies contained in this plan.*

*Policy 1.3.13 Medical Commercial – Properties designated Medical Commercial are intended to service the health care needs of the community and region. Uses such as hospitals, medical clinics, medical laboratories, medical offices, nursing homes, congregate living facilities and related uses would be allowed.*

*iii. Maximum building coverage 25%.*

*iv. Maximum FAR 40%.*

**Transportation Element**

*Policy 1.1.2 - The Village shall review all proposed developments and issue development orders only when it finds that a proposed development will not cause roadway levels of service to fall below Policy 1.1 standards or cause further degradation of service if conditions at the time of the review indicate that standards are already below these standards.*

*Policy 1.1.9 - The Village shall enact and enforce land development code standards and a review process to control roadway access points, on-site traffic flow and on-site parking. The land development code may require the use of joint access drives for adjacent uses. It will set minimum design standards for: 1) the spacing and design of driveway curb cuts; 2) the size of ingress and egress lanes for major land uses; 3) the spacing and design of median openings; and 4) the provision of service roads. State highway access management standards will be utilized in developing roadway access point controls, particularly on Forest Hill Boulevard. The access management controls will be tailored to help achieve the ends set forth in Objective 1.1 [9J-5.007 (3) (c) 2]*

**Exhibit "D"**  
**Applicable Land Development Regulations**

Sec. 5.3.4.I Standards. In adopting a proposed amendment, the Village Council shall consider the following factors, provided however, that in no event shall an amendment be approved that shall result in an incompatibility with the area in which the proposed development is located. Failure of any proposed amendment to meet any standard below shall be deemed adverse to the public interest and the amendment may not be approved.

J. Whether the proposed request is consistent with the Comprehensive Plan

**Finding:** The proposed rezoning is consistent with the Village's Comprehensive Plan. In particular, Objective 1.2 of the Land Use Element requires the Village to direct future growth into areas served by urban services that have adequate capacity. During the Comprehensive Plan Amendment review process of this property, various service providers reviewed the project and indicated there are no objections to the proposed modifications.

Policy 1.1.2 of the Transportation Element requires the Village to review all proposed developments and issue development orders only when it finds a proposed development will not cause roadway level of service to fall below the Village's standards. The Village's Traffic Consultant and Palm Beach County Traffic Division have determined the proposed rezoning will not reduce State Road 7's level of service. The Village Engineer has no objection to this request for rezoning.

K. Whether the proposed request is in conflict with any portion of this Code and is consistent with the stated purpose and intent of this Code

**Finding:** The proposed rezoning request is not in conflict with any portion of the Village's Land Development Regulations (LDR) and is consistent with the stated purpose and intent to promote the health, safety and general welfare of the Village residents, to regulate the use of land and implement the Village's Comprehensive Plan.

L. Whether and the extent to which the proposed request is compatible with surrounding land uses and zones

**Finding:** The proposed request is compatible with surrounding land uses and zones. To the north is a proposed Mixed-Use development known as Village Professional Park and to the south is the Wellington Green Mall. The property to the east and west is residential. The proposed project shall be required to meet or exceed the required landscape buffers and the design of the site shall be to minimize the impact on the surrounding residential properties.

M. Whether and the extent there are changes conditions that require the request

**Finding:** A rezoning to a Village zoning designation is required due to the annexation and the comprehensive plan amendment of the Wellington Regional Medical Center. The intent of the Medical Center Planned Development (MCPD) is to provide for the orderly planned development of major health care facilities consisting of a hospital with clinics, medical offices, extended care facilities and other ancillary or medical care support

**facilities. The rezoning will ensure the WRMC campus facilities meet the future evolution of healthcare services for the community and the region.**

**N.** Whether and the extent to which the proposed request would result in significant adverse impacts on the natural environment:

**Finding:** There are no anticipated adverse impacts on the natural environment from the proposed development. As a part of the review process, the project was reviewed for environmental considerations and no adverse environmental impacts are expected.

**O.** Whether and the extent to which the proposed request would result in logical and orderly development pattern

**Finding:** The request will result in a logical and orderly development pattern. The proposed WRMC campus will be developed in four phases.

**P.** Whether and to what extent that proposed request is consistent with applicable neighborhood plans

**Finding: Not applicable. There are no neighborhood plans applicable to the subject site**

**Q.** Whether there are adequate public facilities

**Findings:** The Village Engineer has determined that there is adequate water and sewer service for the project, which will be provided by the Village of Wellington. Waste Management will provide solid waste management and Palm Tran will provide mass transit. The Palm Beach County Fire Department will be able to serve the site since Station 30 is located less than 2 miles away at 9610 Stribling Way. The Lake Worth Drainage District, South Florida Water Management District and Palm Tran all received notice of the rezoning request and Village staff has not received any objections or negative responses to the request.

The traffic study was reviewed, adjusted and accepted by the Palm Beach County Traffic Division and Village's Traffic Consultant for compliance with traffic performance standards.

## Exhibit “E”

### Proposed Master Plan



**Exhibit "F"**  
**Palm Beach County Traffic**  
**Statement**



April 28, 2008

**Department of Engineering  
and Public Works**  
P.O. Box 21229  
West Palm Beach, FL 33416-1229  
(561) 684-4000  
www.pbcgov.com

**Palm Beach County  
Board of County  
Commissioners**

Addie L. Greene, Chairperson

Jeff Koons, Vice Chair

Karen T. Marcus

Robert J. Kanjian

Mary McCarty

Burt Aaronson

Jess R. Santamaria

**County Administrator**

Robert Weisman

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**FEB 20 2009**

**VILLAGE OF WELLINGTON  
PZ & CODE DEPARTMENT**

**SIMMONS & WHITE, INC.**

Mr. Marty Hodgkins  
Director, Community Development  
Village of Wellington  
12794 W. Forest Hill Boulevard, Suite 10  
Wellington, FL 33414

**RE: Wellington Regional Medical Center  
PBC Project No. 070820  
Traffic Performance Standards Review**

Dear Mr. Hodgkins:

The Palm Beach County Traffic Division has reviewed the traffic impact statement prepared by Simmons & White, Inc. and dated April 16, 2008 for the project entitled **Wellington Regional Medical Center (WRMC)** pursuant to the Traffic Performance Standards in Article 12 of the Palm Beach County Unified Land Development Code. The project is summarized as follows:

<b>Location:</b>	Northwest corner of SR-7 and Forest Hill Boulevard
<b>Municipality:</b>	Wellington
<b>Existing Uses:</b>	170,236 sf Hospital, 130,000 sf Medical Office
<b>Proposed Uses:</b>	420,125 sf Hospital, 130,000 sf Medical Office
<b>New Daily Trips:</b>	3,088
<b>New PH Trips:</b>	223 AM and 189 PM
<b>Build-Out:</b>	December 31, 2012

Based on our review, the Traffic Division has determined that the proposed increase to the previously approved commercial project meets the Traffic Performance Standards of Palm Beach County. No building permits are to be issued by the Village after the build-out date specified above. The County traffic concurrency approval is subject to the Project Aggregation Rules set forth in the Traffic Performance Standards Ordinance.

If you have any questions regarding this determination, please contact me at 684-4030.

Sincerely,

Nick Uhren, P.E.  
Sr. Professional Engineer - Traffic Division

NU:sf  
cc: Rob Rennebaum, P.E. - Simmons & White, Inc.

File: General - TPS - Mun - Traffic Study Review  
N:\TRAFFIC\ADMIN\APPROVALS\2007\070820.DOC

**Exhibit "G"**  
**Village Traffic Consultant's Letter**

**PTC****Transportation Consultants**

5114 Okeechobee Boulevard, Suite 210  
West Palm Beach, FL 33417-4504  
(561) 296-9698 Fax (561) 296-9699  
www.pindertroutman.com  
Certificate of Authorization Number: 7989

June 17, 2009

Mr. Damian Newell  
Project Manager  
Village of Wellington  
Planning Zoning & Building Department  
12794 West Forest Hill Boulevard, Suite 23  
Wellington, FL 33414

**RECEIVED****JUN 19 2009****VILLAGE OF WELLINGTON  
PZ & CODE DEPARTMENT**

**Re: Wellington Regional Medical Center - #PTC04-001FF  
2004-031 MP**

Dear Mr. Newell:

Pinder Troutman Consulting, Inc. (PTC) has completed our review of the resubmitted materials and discussions at the DRC Meeting for the above referenced project.

The submitted materials responded to our comments. Our proposed conditions of approval are presented below.

**TURN LANE CONDITIONS OF APPROVAL**

1. The property owner shall construct the following turn lane and median improvements:
  - a. Extend left turn lane west approach at Forest Hill Boulevard driveway to include 345 feet of storage with a 50 foot taper.
  - b. Extend right turn lane east approach at Forest Hill Boulevard driveway to include 320 feet of storage with a 50 foot taper.
  - c. Close median opening at central SR 7 driveway.
  - d. Construct left turn lane south approach at northern SR 7 driveway to include 475 feet of storage with a 50 foot taper.
    - ❖ The Petitioner shall pay any and all costs associated with the construction for the improvements above. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.
    - ❖ Construction shall be completed prior to the issuance of the first Certificate of Occupancy for any development.

**TPS CONDITION OF APPROVAL**

2. In order to comply with the Countywide Traffic Performance Standards, the property owner shall be restricted to the following phasing schedule. No Building Permits for the site may be issued after December 31, 2012. A time extension for this condition may be approved by the Village Engineer based upon an approved Traffic Study which complies with Traffic Performance Standards in place at the time of the request.

Pinder Troutman Consulting, Inc.



Letter Newell 04-001FF 6-17-09

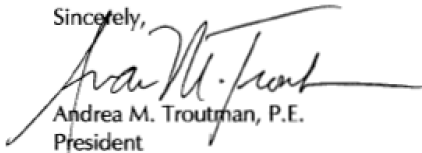
Mr. Damian Newell  
Re: Wellington Regional Medical Center - #PTC04-001FF  
2004-031 MP  
June 17, 2009  
Page 2 of 2

**PARKING CONDITIONS OF APPROVAL**

3. A temporary employee only parking lot with a minimum of 44 spaces shall be constructed as shown on the Master Plan.
  - a. Signage shall be placed to designate as employee only parking.
  - b. Shuttle service shall be provided to the hospital at a minimum of 3 times per day during shift changes.
  - c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for any development.
4. A second temporary employee only parking lot with a minimum of 41 spaces shall be constructed west of Medical Office Building 6 in addition to the lot identified above.
  - a. Signage shall be placed to designate as employee only parking.
  - b. Shuttle service shall be provided to the hospital at a minimum of 3 times per day during shift changes.
  - c. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for Phase IB as presented in the parking analysis dated May 4, 2009.
5. The 474 space parking garage located north of the existing garage shall be constructed as shown on the Master Plan.
  - a. Construction shall be completed prior to the issuance of the first Certificate of Occupancy for Phase II as presented in the parking analysis dated May 4, 2009.
  - b. A time extension for this condition may be approved by the Village Engineer based upon an approved parking analysis which complies with requirements in place at the time of the request.

Please call with any questions.

Sincerely,



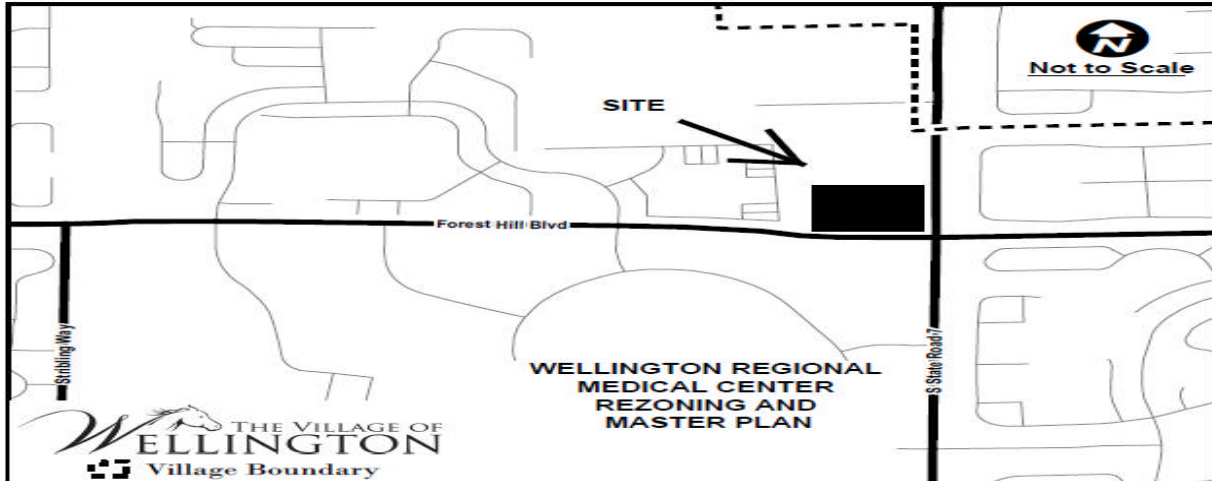
Andrea M. Troutman, P.E.  
President

AMT/ldr

cc: David Flinchum, ASLA, AICP







### **VILLAGE OF WELLINGTON NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a public hearing will be held on the Ordinance and Resolution described below:

#### **REZONING**

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA RELATING TO REZONING FOR PETITION NUMBER 2004-031 REZ 1, ALSO KNOWN AS WELLINGTON REGIONAL MEDICAL CENTER; PROVIDING FOR THE REZONING OF A PARCEL OF LAND, CONSISTING OF 57 ACRES, MORE OR LESS, LOCATED AT THE NORTHWEST CORNER OF STATE ROAD 7 AND FOREST HILL BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN; FROM PALM BEACH COUNTY INSTITUTIONAL PUBLIC FACILITIES (IPF) TO VILLAGE OF WELLINGTON MEDICAL CENTER PLANNED DEVELOPMENT (MCPD); PROVIDING FOR REVISIONS TO THE ZONING DISTRICT MAP; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

#### **MASTER PLAN AMENDMENT**

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF WELLINGTON, FLORIDA, APPROVING THE MASTER PLAN FOR PETITION NUMBER 2004-031 MP, FOR CERTAIN PROPERTY KNOWN AS WELLINGTON REGIONAL MEDICAL CENTER, TOTALING 57 ACRES, MORE OR LESS, LOCATED AT THE NORTHWEST CORNER OF STATE ROAD 7 AND FOREST HILL BOULEVARD, AS MORE SPECIFICALLY DESCRIBED HEREIN, PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

Said public hearing will be held as follows:

#### **VILLAGE COUNCIL**

Location: Council Chambers, 12615 Forest Hill Boulevard, Wellington, Florida.

Date: September 15, 2009 at 7:00 P.M. or as soon thereafter as may be heard in the orderly course of business. The hearing of the request may be continued from time to time as may be found necessary.

Appeals: If a person decides to appeal any decision with respect to any matter considered at such hearing, he/she will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is to be based. All appeals must be filed in accordance with the applicable provisions of the Village of Wellington Land Development Regulations.

All interested parties are invited to attend and be heard with respect to the proposed Ordinance and Resolution. Copies of all documents pertaining to the proposed Ordinance and Resolution are available in the Planning and Zoning Department at the address listed below and can be reviewed by the public on weekdays between the hours of 8:00 a.m. and 4:00 p.m.

**Planning & Zoning Department  
12794 West Forest Hill Boulevard, Suite 23  
Wellington, Florida, 33414  
(561) 753-2430**

Appeals: If a person decides to appeal any decision with respect to any matter considered at such hearing, he/she will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based. All appeals must be filed in accordance with the applicable provisions of the Village of Wellington Land Development Regulations.

Pursuant to the provisions of the Americans With Disabilities Act, any person requiring special accommodations to participate in this hearing, because of a disability or physical impairment, should contact the Village Manager's Office at (561) 791-4000 at least five calendar days prior to the Hearing.

Dated: August 28, 2009

Publish: The Post  
August 31, 2009

**Note to Publisher:** Pursuant to Florida Statutes, the required advertisement shall be no less than 2 columns wide by ten inches long, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement **shall not** be placed in that portion of the newspaper where legal notices and classified advertisements appear.